Tros Tyriusque mihi nullo discrimine agetur

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Apéritif

A Little Progress

THE sociology of Vilfredo Pareto has been getting itself into print a good deal lately, doubtless because our literate citizenry is so much concerned, in a desperate depression, with mass behavior and its motivation. There appears to be, however, very little comfort in his studies for logical persons straining after remedies and solutions, since his basic assumption is that social phenomena are rarely or never wholly the result of "reasoned struggle carried on by logico-experimental means"—and that, of course, is what logical citizens want applied to the present situation. His attitude toward humanity in the mass is evidently analogous to the confusing direction modern physicists are taking: away from a strict reliance on the concept of observable cause and effect. Which leaves a sizable opening for a favorite little theory of ours.

This is that there exists a difference in the basis of thinking between city people and country people. Agriculturists are more likely to think in terms of cause and effect because their livelihood depends on such thinking: the necessity to do so many things for the achievement and preservation of crops and livestock must instill its habit in them. But city people gain their livelihoods, as a general rule, by much different thinking. Relationships to them are more complicated and there is a less direct causality in their methods of achieving ends. A man in search of a job, for instance, knows that his competence is only a single factor in the problem of getting it; having a second cousin in the personnel department is more likely to win the day. In general city people are apt to think of relationships as the means toward almost any end, or even as ends in themselves, and to slight any causal significance that they may have.

There is a certain amount of obvious proof for the hypothesis. An ordinary city man, with not too much intelligence or curiosity, must every day use mechanisms which are far too complex for understanding except by experts. He rides on the subway, flies up and down forty stories in an elevator, adds up columns of figures on a machine, threads his way through traffic which requires immense ingenuity to manage, eats in a restaurant where miracles

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of economy in effort and money are expended on his tasteless and dear food, lives in an apartment building which took the architectural experience of ten thousand years to achieve, with all its discomforts. He does these and a myriad other, ordinary things without comprehension of what made them possible or how they work, without any real interest in them. What counts with him is seeing that his union dues are paid, or remembering the names of his fellow politicians' grandchildren, or guessing whether some big corporation will pass its dividend.

At any rate, if there is some degree of truth in the idea certain results should appear. During the past four years our city people have been migrating countryward, until, as was well advertised a year or so ago, the balance of life in America is again dipping on the rural side. This, to use the outmoded phraseology, should have the effect of increasing the volume of thinking and acting along causal lines.

To go at the matter in a more specific way—such economic measures as inflation of the currency are and have been congenial to the rural mind. Right or wrong, they have the appearance of being direct: if there is not enough money to go around, as there very evidently is not, then the thing to do is increase the total sum of money. So the farmers have said many a time in many a depression. But the city people, and not alone the holders of large gobs of capital, are traditionally wary of such measures. They place their reliance in periods of distress on the return of that mystic talisman, "confidence," and they espouse the most roundabout and illogical methods of regaining it. Main among these is to reduce the amount of money in circulation, by cutting salaries and firing employes, so as to increase the profits of entrepreneurs, so that entrepreneurs may rehire employes and raise salaries.

Obviously the direct kind of thinking is that which is coming uppermost in the country. Inflation is a conceded eventuality; we have already had a fiat raising of minimum wages and spread of available work. But intermixed there is still a strong solution of city thinking: specifically, in the Honorable Mr. Jim Farley's patronage organization. While the Tennessee River power development has the temerity to announce an electric rate so low as to prostrate dreamers after Insull empire, its ruler, Dr. Morgan of Antioch College, issues solemn warning that all such public enterprises are in critical danger from friends of politicians.

Which is, of course, no more than a corroboration of Pareto, to whose mind "social phenomena are in part automatic or instinctive, and in much greater part non-logical or even irrational." More likely than not this statement would have the full concurrence of Mr. Roosevelt and those of his advisers who conceived the NRA drive. In later pages of this magazine Mr. Norman Lombard impugns the Blue Eagle idea as no better a remedy than taking money out of one of our pockets and replacing it in another. Perhaps that is the true estimate of what has happened: all the irritating appeals to patriotism, the uncivilized resort to boycott, the brazen parading of old abuses behind "We Do Our Part" signs may have accomplished nothing toward raising the general standard of living. The "non-logical or even irrational" parts of our economic

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structure would, no doubt, have seen to this even if the original conception had been a perfect remedy for our ills. But there is a possibility, or probability, that fundamental humanizing ideas have been instilled in the population through this unsuccessful mechanism which in the long run may prove to be more important than immediate "recovery." If so, they will be the result of pretty direct thinking.

The trouble is, of course, that when men consciously think in terms of cause and effect, in the scientific spirit, there is no assurance that they will come out right. All our people could begin at this moment furiously spinning logic and end up in as hopeless confusion as if they had relied from the start on the pontifications of their lodge leaders. This is the argument of conservatives: that Utopias are always too diverse. Nevertheless, they do have attributes in common, and it may turn out that the function of, say, Mr. Farley's irrational political machine is to set up a kind of resistance that will force the Utopians to pool their ideological ammunition in a compromise salvo that will really accomplish something.

But that is wishful thinking, postulated on the theory of "progress," and to an agnostic sociologist "progress" is a tenuous idea. What we can say with confidence is that even if a reduction of cities does not help to instill sense in the populace it makes possible another Utopian hope. People returning to the soil, or anyhow the suburbs, at least can realize a golden mean in social contacts. Through our ingenious means of communication they can avoid the stultifying isolation from ideas that once was typical of the country, and escape the stultifying breathing down necks that still is typical of cities. If that has no effect on human happiness, nothing ever will.

Dollfuss and the Fire

THE attempted assassination of Chancellor Dollfuss and responses to it form an instructive pattern of political strategy. When the Reichstag Building was set burning in Berlin last February, under equivocal circumstances to say the least, the event was used as a great rallying cry for Germans to flock to the swastika banner. Herr Hitler and his colleagues were vociferous in their belief that Communists had perpetrated the crime, and persuaded most of the rest of Germany that it proved the crucial need for their installation in power to combat the growing danger from Moscow.

But when it was reported that the Dollfuss shooting had been done by a former Nazi (it is curious that Van der Lubbe, of the Reichstag burning, was also a "former" Communist), then the controlled German press made great efforts to deny the man's affiliation with their National Socialist party, calling him a Socialist, and asserted that the deed was proof of the Austrian people's dissatisfaction with the Dollfuss Government and that it argued for a shift to Nazism in Vienna.

From the Nazi point of view these were obvious and necessary tactics. Although, in Germany, the burning of a building was held to be sufficient provocation for terrorizing a horde of non-Aryans and Communists, it would never do to acquiesce in a single attempted murder outside the Reich, even for so noble a purpose as bringing the Austrian nation to a realization of true Germanic purposes.

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The most interesting point about the matter is Dr. Dollfuss's own attitude. Although German Nazis proclaim that his Government is and has been pursuing a policy of cruel persecution toward their Austrian brethren (the irony here needs no emphasis), the Chancellor himself is reported to feel entirely disinclined toward retaliatory measures. He will, in a mild way, turn the other cheek. The shooting itself has undoubtedly increased his popularity, just as the attempt on President Roosevelt's life did in this country, and a policy of moderation will gain him even more, not only at home but abroad. Curiously enough, the party he represents and the party Hitler represents have identical second names, only the first differ: whereas Hitler's Socialism is National, Dollfuss's is Christian. The peculiarity, of course, is in finding political actions which even remotely can be classified under the adjectives given to parties. It will be interesting to see which sort of tactics succeeds.

Two R's

MR. MURRAY POMERANZ, attorney, some time ago attempted to have the Brooklyn Commissioner of Records, one Hyman Schorenstein, removed from office, on the ground that Mr. Schorenstein could neither read nor write. The matter eventually came before State Supreme Court Justice George H. Furman, who, in accordance with the best judicial precedents, looked up the law and discovered that it required a commissioner of records to be a citizen over twenty-one, a resident of the district and "a suitable person." After appropriate contemplation of these requirements and the facts of the case, the Justice dismissed Mr. Pomeranz's complaint, stating that the Commissioner's seventeen years in office perfectly attested to his being "a suitable person." There was no argument over his age or his place of residence; neither was there any argument over his literacy: what Mr. Pomeranz charged was not denied.

Now, that a commissioner of records should be able to read his correspondence anyhow, if not his records, would seem to the average citizen a primary requisite to his suitability for office. Writing, of course, is a small matter, easily accomplished by any stenographer, but reading is very different. How, for instance, is a public servant to discharge his duties efficiently without the ability to decipher written instructions from his superiors? Telephones have switchboards and switchboard operators have big ears and McCooeys every now and then have intimate orders to transmit. Must a commissioner of records let his secretary or his switchboard operator know everything?

The judiciary, of course, is constrained to interpret the law strictly and within the framework of past decisions. Presumably Judge Furman was conversant with other examples of illiterate commissioners of records who were held in court to be competent, though their offices might have been run more competently had they been held elsewhere. But under the New Deal conditions have changed greatly; Mayor O'Brien has refused to hold "colloquy," as he says, with the press and insists on the Hooverian method of written questions and answers. There is, of course, little chance that a mayor can be caught alone by reporters and forced to admit his inability to comprehend written questions, but a commissioner might

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absent-mindedly wander down among his records one day and, cornered by a bedeviling reporter with pad and pencil, say no desperately to some scrawl like "Do you favor taking all city jobs off the Civil Service list?"

There is, as we admit, no reason why a political friend of Tammany should have greater dexterity with his hands than is required to pat babies on the head or deal a hand of poker. But, with the latest metropolitan headlines blaring "Nineteen out of Twenty-four Brooklyn District Leaders Rebel" against McCooey's adherence to the Tammany mayor, the ability to read handwriting on the wall is patently valuable. In fact so valuable that it is daily becoming more lamentable to otherwise quite literate persons that they never learned the full meaning of that mystic symbol, "F.R.B.C." W.A.D.

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A Murder a Day

By P. W. Wilson

If we have less respect for law and order than our critics would like, it may be because of a healthy resistance to worse things than bootleggers' wars

The other day, an Englishman of high character discovered what he believed to be the United States, and was much disturbed by certain of his first impressions. Being himself a county magistrate, he was shocked by evidences of what he held to be a failure equitably and firmly to enforce criminal justice. It was a situation, he said, over which Americans of responsible judgment had themselves confessed to him their disquiet.

My friend was astonished when I suggested to him that to express regret over a failure in the administration of law, however deplorable may be its effect on the well-being of society, is not enough. We have to ask why a community, otherwise as reasonable and as respected as any other community, permits such a failure. What is the inner mentality of which lawlessness is the outward and visible symptom?

There are several kinds of law. We have the law of kindness, the law of courtesy, the law of hospitality—all of them as important to the well-being of society as the criminal law. No one who has lived on both sides of the sea will assert that kindness, courtesy and hospitality are more evident in the old world than in the new. From the days of the Pilgrims to our own day the United States has had a good deal of practice in the art of welcome. In the entertainment of strangers, she has been able to show an example to the rest of the world. The United States is not uneducated. Nor, compared with other countries, is she irreligious.

It is when we come to the administration of law by the state that we encounter special difficulties. Law as a function of sovereignty appears sometimes to break down, and no diagnosis of the phenomenon is adequate which leaves sovereignty itself out of account.

In a highly developed community, institutions also must be highly developed. The United States has elaborated universities, hospitals, churches and newspapers. Some critics allege that her sovereignty, with its numerous legislatures and executives, its elected judiciaries and its checks and balances inscribed within a written Constitution, is far too highly elaborated. The machine is so complicated and so massive that the pressure of the steam in the boiler which we call public opinion is seldom sufficient to make it work.

But is this the whole story? Has there

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not been, throughout this country, a subconscious determination that the machine shall not be permitted to work too easily? If sovereignty appears to be inefficient, may it not be because sovereignty is mistrusted? And, if we survey this world in which we have to live, can we assert that this mistrust of sovereignty is wholly unreasonable?

A hundred years ago, there lived a French philosopher called Pierre Joseph Proudhon. His life was simple, his morals were virtuous, his genius was recognized. But he was a peril to society and he had to be put into prison.

With men who lose faith in churches, we are familiar. Proudhon had lost faith also in secular authority. With sombre eye, he watched the governments of Europe, and came to the conclusion that it would be better to have no government at all. "Government of man by man in every form," said he, "is oppression." Of anarchy, as a gospel—explosive in thought before it was found to be explosive in fact—Proudhon was the prophet.

Like Calvin, who was also Gallic, the Father of Anarchy was a captive of logic. He insisted upon anarchy as a dogma. But there were many, less extreme in their conclusions than Proudhon, who, in a period of upheaval, anticipated or echoed his sentiments.

"Man is born free," wrote Rousseau, "but is everywhere in chains," and over the fall of the Bastille, Charles James Fox cried, "How much the greatest event that happened in the world! and how much the best!" Shelley denounced "old Custom, Legal Crime, and bloody Faith"; and an embittered Byron ridiculed Wellington:

> Called "Saviour of the Nations"—not yet saved,
> And "Europe's Liberator"—still enslaved.

Nor were the poets of New England more respectful, in their day, to governments. Lowell talked of "truth forever on the scaffold, wrong forever on the throne." Longfellow described the Negro as "a poor, blind Samson in this land," and suggested benignly that the strong man fettered would

> shake the pillars of this commonweal,
> Till the vast Temple of our liberties
> A shapeless mass of wreck and rubbish lies—

which eloquence also was fairly anarchic.

WHAT the visitor to these shores sometimes has yet to perceive is the fact that the United States has never been an expression only of sovereignty. She is an expression also of revolt, justified or unjustified, against sovereignty. She is trying to be in fact what Rousseau and Charles James Fox and Proudhon and Byron and the rest expressed so vehemently in the formulas of literature. She wishes to be free.

The Catholics of Maryland, like the Pilgrims of Massachusetts, revolted against the Elizabeth Compromise which England herself has ceased to enforce. The Irish revolted against a British domination, including penal laws, and against agrarian privileges which, in recent years, Great Britain has surrendered. The Germans, of 'Forty-eight, in their liberalism, emigrated out of a military kaiserdom. Armenians fled from massacre by the Turk. The Jews, from Poland and elsewhere, escaped from the Ghetto. The Negroes, who crossed the ocean involuntarily, also inherit a memory of sovereignty abused and are still conscious, in certain matters, of disabilities. Even the Scots, in some instances, left behind them a horizon, lurid with the flames of the humble cottages in which, as crofters, they

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had taught their families to worship God.

The revolt against law is not manifest, therefore, in the underworld alone. The upper world also is pervaded by an atmosphere of subconscious rebellion against authority. There is a tacit acceptance of the dictum of Abraham Lincoln—that no nation is good enough to govern another. In their hearts, Americans can not believe that British rule in India, however beneficial may be certain of its results, can ever be more than a necessary evil. They persist in hoping against hope that, in time, a Republic in China will arise out of prolonged chaos. And within their own frontiers, they wish, as far as possible, to substitute the rule of consent for the application of law by force. Of what use —many of them ask—is it for people to stay married if their marriage is compulsory? Homicide is a terrible offense. But more terrible still is the society in which anybody should wish to commit homicide.

In Great Britain and the United States, the basis of laws may be the same. There is common law as a background. There is statute law, passed by the legislatures. But between the administration of law in the two countries, there is a subtle yet real difference. In a British court of justice, the King deals with his subjects. In an American court, the people deal with one another. When crime is alleged, the accused, in both countries, is assumed to be innocent until he is found to be guilty. But in one case a monarch indicts a prisoner with a view to conviction, if guilt be found. In the other case, citizens impeach a citizen with a view to acquittal if there be any benefit of the doubt.

The United States has thus been testing, in easy-going nonchalance, the optimistic theory of Proudhon that man is good enough, if left to himself, to get on without much government. It has proved to be a dangerous optimism.

It may be true that, as a Latin-American President once declared, the Pilgrims came to this country, seeking God not gold. But even the most capacious vessel to cross the Atlantic—*The Mayflower*—did not accommodate all immigrants who have landed on these shores. Many have come here, impelled by no grievance, except a general dissatisfaction with their chances of wealth in the Old World. They have believed that, in a land of great open spaces, unencumbered by cathedrals and castles, they would elude the restrictive laws of privilege and discover an El Dorado of financial success. This is the private enterprise which, applied to the tasks of acquisition, has resulted at times in the transgression of law which we call crime. Racketeers and kidnappers, bandits, gunmen and bootleggers, dwelling in an atmosphere of graft, indecency and violence, are the Robin Hoodlums in the subterranean realm of insurrection.

The United States is thus a country where the citizen has had it both ways. He has been at liberty to promote the good, and he has not been restrained from initiating the evil. The number of laws is incredible. But, in many cases, they are regarded less as enactments than as aspirations. An Englishman is disgusted when a law is five per cent a failure. The American would prefer to describe such a law as ninety-five per cent a success.

WE REFER to this problem as a heritage of the past out of which we have emerged into the dawn of a new day. Are not despots hurled from

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their thrones? Are not churches disestablished? Are not the estates of the aristocracy broken up? Have not women a vote? Has not sovereignty, once an instrument of oppression, become a guarantee of liberty?

Let us suppose that Jean Jacques Rousseau and Charles James Fox and Pierre Joseph Proudhon, with their poets laureate from old and new England, were to revisit this world and examine the governments that we have set up in our scientific and scholarly and mentally emancipated era. Would they not still raise their eyebrows?

Proudhon's theory that "the highest perfection of society is found in the union of order and anarchy" doubtless embraces a contradiction in terms. Anarchy can not be united with order and continue to be anarchy. Unless there be government, no society, perfect or imperfect, is conceivable. Man must sacrifice, therefore, some of his freedom if he is to enjoy what is left.

But how much of his liberty is it worth while for him to surrender? And what are the benefits that are to come to him in return? Admitting that some kind of sovereignty is essential, may not the price of sovereignty, like other prices, be raised until it becomes prohibitive?

In the entire range of recorded history, never has sovereignty imposed on the citizen an autocracy so intrusive and, in certain countries, so burdensome as the government of civilized man has now become. The Solomons of the past, in their palaces, may have been expensive and autocratic. But, in the picturesque language of Scripture, the little fingers of the Rehoboams who have succeeded them are thicker than their fathers' loins.

In the United States, the new sovereignty is supported by public opinion. It is true that the field of industry, supposed to be private enterprise, has been covered by codes, and that capital has been compelled to confront organized labor. It is true that, in defiance of *laissez faire*, hours of employment, wages, and prices are brought under the authority or, at least, the influence of the Government, and that the keyword of the New Deal is control.

But there are two safeguards. First, it is a great emergency that has galvanized the sovereignty of the people, usually so lethargic, into an active and possibly temporary initiative, the sole ultimate object of which is a benefit to the "forgotten man." Secondly, the Administration has been more than careful to confine its pressure to the material plane. There has been a scrupulous respect for the liberties of the individual that are really important to well-being. Within the Bill of Rights, we still find freedom of worship, of speech and of the press. There is still freedom of migration within the commonwealth, there is still freedom of education, of recreation and of social intercourse. When the NRA is reduced to its essentials, all that has been curtailed is a certain measure of cut-throat competition and of unregulated production. Similarly in Great Britain, the great scheme of national insurance that relieves the aged, the sick and the unemployed, whatever view be taken of its efficacy, is of benefit to the individual and in no way deprives him of anything that can be called liberty.

But what about Russia? Economic communism may be so successful in the material plane as to furnish the citizen with the food, clothes, shelter and amusements which are provided in Sing Sing for the guests of the United

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States. But in Russia, as in Sing Sing, the inmates can not get out; in one case as in the other, the surveillance over their cultural activities is as restrictive as it is absolute.

In simpler days, however absolute might be the monarchies, the individual had still a certain limited opportunity to be himself. It was with his own hand that he wrote his books and no ruler, whatever his realm, could write otherwise. His voice, when he spoke, could be heard as clearly as any other voice, however authoritative. It was on his own legs that he walked the road, and emperors themselves could walk no faster. He had the right—or at least the chance—of escape. If, for any reason, criminal or political, the government was after him, he was allowed the run for his life that sportsmen concede to a hunted fox.

Activities which used to be personal are now mechanical, and mechanism has become an instrument of sovereignty. The individual still holds the pen. But certain governments censor the press. The individual still shouts from a soapbox. But governments use the loudspeaker. Railways are used and automobiles are registered by the state, which also has the telegraph, wireless and airplanes at its disposal. Nor is it only the bandit who is pursued over land and sea. Political exiles, of the highest distinction, may be branded as public enemies and the right of asylum denied to them.

In the British House of Commons, a member with an individual point of view is certain, as a rule, to "catch the speaker's eye." It is considered to be important that his view should be made clear. But on the continent of Europe such "parliamentarism" is ridiculed. If a man has individuality, he is little better than a traitor.

In Italy, it may be conceded that the public interest has been served by dictatorship. Strong measures, as in the United States, were needed. But were all the measures necessary? What conceivable credit accrued to the Fascists when they were seen to be shooting Tyrolese like rabbits merely because these simple mountaineers wished to live the life that they had always lived and, in particular, to cross the frontier that had always been their own familiar skyline?

In Europe, as a whole, it is difficult to see what public or national interest has been served by the new tyranny. We take stock of the never-ceasing surveillance by the police, the suppression of newspapers, the obliteration of political parties, the insistence on passports and visas, the closing of frontiers, the prevention of commerce, and all the other devices for dragooning the individual, and we are driven to the conclusion that the governments which have to defend themselves by such methods against the governed have that in them which is not worth defending.

It is sovereignty, not democracy, that has emphasized what we call nationality. By controlling all the avenues of opinion and by raising all the frontiers, governments have narrowed the popular horizons. A family in the Balkans is today shattered. The father who may live on Greek soil, the son who may live in Bulgaria and the grandson who may have married a Serb are refused the right ever again to meet.

The individual finds himself, at times, in a deplorable plight. At every point, he is prevented from doing legitimate business. He can not export, he may not import, and however he invests

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his property it vanishes away. By taxes on his income he is reduced to poverty, and his very person is held liable for the shambles. Conscription means that the entire manhood of a nation is subjected by the government to a sentence of possible death or worse, from which the only reprieve is a peace, admitted to be precarious. The Roman Empire was supposed to be autocratic. Most of the people enjoyed no higher status than slavery. But, in that Empire, at least it was possible for Christ and His Apostles to move freely, to preach and to heal. But what would happen if, being Jews, Christ and His Apostles were to visit Germany today?

To my friend from England, therefore, who is disturbed by the killing of a man a day in Chicago, I reply—there is no excuse for that killing. But, as a record in crime, what is that compared with the European plan of killing a dozen million men every two or three decades?

To have too little sovereignty may be a less evil, after all, than having too much.

The Bridge

By Frederic Prokosch

Now they have made from sand and water
An arc of stone, an arm
Not longing, reaching, warm,
Nor gathering to itself moss, pebbles, water,

But pale, unaccidental, purer
Than pebble or the foam
Rising from water's home
Could ever be; and stronger, stranger, surer,

Sharper, steeper, and gently under
This cloud, the dying willows brood
Where I had stood
Watching the silver swans and hearing thunder.

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Selections from *The Machado*

By Cognosco

Against a Gilbert and Sullivan background the real and serious villain of the Cuban piece, our Platt Amendment, threatens disaster

Washington

"Battle in Havana, 119 Dead, 200 Wounded," scream the newspaper headlines and yet I have the irreverent inclination to treat the Cuban affair in the vein of an opera bouffé. A friend of mine in Washington, particularly close to the situation, has suggested that a contemporary Gilbert and Sullivan might adequately portray the Cuban Revolution in a musical comedy entitled *The Machado.*

I know too well the sordid side of the Cuban problem: Wall Street's rape of the Island and the concomitant reign of terror under the ægis of Machado's professional assassins and torturers, the Porrista. But as I view in perspective the kaleidoscopic events of the past year in Cuba, I am haunted by the recurring strains of *The Peanut Vendor,* and I see beautiful Cuban society girls at a charity affair going through the graceful gyrations of a fan dance in Havana's Casino Nacional. I see them, the following morning, in another mood, debating with acrimony who is to slap the face of Ambassador Guggenheim in public in order to carry out their plan to force American intervention. I see two young Cuban *políticos* on a *finca* near Havana face each other twelve paces apart, fire their revolvers into the air, rush toward each other, embrace and then with their seconds proceed to the house in holiday spirit to partake of the duel breakfast arranged long in advance.

I see Secretary of the Navy Swanson strut out of the White House and announce to the press that he is sailing immediately for Havana on the cruiser *Indianapolis*—but at this point fantasy gets the better of me—I seem to hear the gentlemen of the press in chorus ask: "And what do you think you are going to do there, Mr. Secretary?" Which, of course, is the cue for the Secretary to sing Sir Joseph Porter's verse:

I always voted at my party's call,
And I never thought of thinking for myself at all.
I thought so little, they rewarded me
By making me the Ruler of the Queen's Navee!

Had Swanson succeeded in carrying out his plan of "visiting" Havana it would without doubt have been the cause of a serious *incident.* Secretary Hull's timely intervention in the Swanson affair and the President's subsequent wireless to the U.S.S. *Indianapolis* deflated Sir Joseph from the rôle

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of Ruler of the Navee to that of ordinary sailor deprived of shore-leave.

But underneath the airy spindrift of light comedy looms the ominous wave of social revolution in Cuba upon which Washington seeks to pour the oil of diplomacy lest it engulf both Americas in a series of unneighborly controversies with possible world-wide repercussions.

The Administration's difficulties have been accentuated by its being forced to pursue a sincere, almost idealistic, anti-imperialist policy under rules drafted by previous administrations which had an exaggerated respect for the sanctity of American foreign investments. The greatest handicap, of course, has been the "Platt Amendment." This involves us in an obligation that must be fulfilled in form at least and which can not well be abrogated during the current unpleasantness. Aside from the legalistic point of view we have in effect made a commitment to our own nationals living in Cuba and to those of foreign nations that they could under certain conditions expect protection from the armed forces of the United States.

From the outset the policy of the Administration has been to avoid, if possible, permitting a situation to develop that might in any way require us to face these obligations. Briefly, the Platt Amendment requires us to intervene if a state of anarchy should prevail in Cuba. Therefore, during the mediation of Ambassador Welles which resulted in the retirement of Machado he kept two cardinal points before him. One was to see that the government did not get out of control of some responsible Cuban group and, two, that the change of government should be constitutional. He was successful in both of these endeavors—for a time at least. The transition from Machado to de Céspedes was constitutional. There was no coercion or dictation on the part of the United States in the selection of de Céspedes. Washington was not in any way, nor is it now in any way, interested in the political or social philosophy of the Cuban Government. That is strictly the affair of the Cuban people. It was interested, however, in having the dominant Cuban factions agree on a man for president who would not permit the Island to lapse into a condition that would make intervention mandatory. The Administration bent backward in its "hands-off" policy even to the extent of refusing to protect American sugar mills that had been seized by rebellious Cuban laborers.

There are fundamental reasons why Washington seeks to avoid intervention. One, of course, is the importance attached to the coming Montevideo Conference and the dire effect that an American intervention in Cuba would have on it. Another is the realization that Cuba in her own way is attempting to solve economic and social problems in some cases similar to our own. There is a genuine sympathy manifested toward Cuba by both the President and Secretary Hull that transcends the bounds of mere diplomatic gestures. The President realizes, so I am informed, that not only is Cuba bent on driving the money-changers from the Temple but that these money-changers are in many cases the same he himself is now in the process of lashing. Secretary Hull has intimate understanding of the Cuban economic situation and for years has fought the Cuban sugar battle in Congress and in the Senate.

It would be untrue to deny that the quick overthrow of the de Céspedes

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Government did not come as an unpleasant surprise to our Government. It must be remembered, however, that the Cuban masses had been inarticulate during the last years of the Machado régime. *Políticos* and intellectuals aired their grievances to the world, but the urge of the Cuban laborer and provincial emitted only low rumblings. Now their pent-up emotions have been released with a terrific roar. The high sugar tariff, absentee ownership of sixty per cent of Cuba's sugar properties, venal loans by American bankers to a corrupt Cuban Government, the resultant cruel taxation, the Chadbourne Sugar Plan for bailing out the banks have all come home to roost.

The Cuban revolt must not be confused with the usual recurrent Latin-American political upheavals. It is made of sterner stuff. It goes far deeper. It has in it the essence of the last Mexican Revolution or the Russian Revolution.

In his inaugural address, President Roosevelt said: "In the field of world policy I would dedicate this nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others—the neighbor who respects the sanctity of his agreements in and with a world of neighbors."

It took a statesman to enunciate that policy. It will take a magician to apply it when the sanctity of our agreements under the Platt Amendment becomes involved in the Cuban social revolution.

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Economics, Old, Blue Eagle and New

By Edward F. Harvey

With the old stand-pat economics now shelved, attention centres on the latter two, which advocate, respectively, industrial reorganization and a new conception of money

During the money crisis professional economists have been at sixes and sevens. A recent burlesque version of their contradictory views concluded thus: "We are suffering from overproduction; therefore we must set more people to work to produce still more. There is so much food about that vast quantities have to be burnt or dumped into the sea; therefore we must tighten our belts and throw still more into the sea. The decline in trade is due to a shortage of purchasing-power; therefore we must have drastic wage cuts throughout industry. The effects of the Gold Standard are so calamitous that countries are being forced off Gold one by one; therefore we must get back to the Gold Standard." Couched in abstruse language, the babel has naturally been confusing to the ordinary citizen. Yet it is producing an unexpected result. The confusion is causing a return to common sense; it is inspiring the effort to see economic realities beneath the imposing verbiage.

Under the impact of the Administration's recovery campaign, distinct cleavages have appeared in economic thought. There is seen to be a conflict of principles, and these principles fortunately lend themselves to clear popular comprehension.

The most distinct cleavage is between the older and the newer schools of contemporary economics. The old school adheres to the dictum that history repeats itself, that the cycle is inevitable and is brought about by influences so complex as to defy analysis. This school reasons from past experience to maintain its position, and meets the situation with a variety of unrelated panaceas, subsidies and government construction programmes. It distrusts pragmatic methods of analysis.

The newer school, on the other hand, believes in scientific analysis, built up on a foundation of statistics which furnish a basis of material fact for dependable deductions and a specific course of action.

The older school—this is the fundamental distinction—still thinks along

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the lines of an *economy of want*, perhaps unconsciously, although the evolution of the last half century has destroyed this economy and replaced it with another one, the economy of plenty. But the methods of the old school are so ingrained among its adherents that they would destroy the surpluses of the world and meet the restored economy of want with charity for those in need, and taxation for those who are not. They would allow nature to take its course in starting an upturn, so that the world might rise to higher things on the remains of our generation.

The conservative mind desires to have habit and privilege undisturbed, even though this results in misery. For all purposes the distinction between the older and newer economics is the same as that between the conservative and liberal mentality. The new school argues that the methods which have proved successful in science and technology can be applied with equal success to the economics of production, distribution and consumption. It is particularly important to note that for the new school finance is now such an overwhelming factor in these processes that its reorganization is a prime necessity in any general readjustment of economic procedure. On the other hand, the older school is inclined to regard finance as an inner temple to which only the high priests may have access. That the older school is likely to be crushed under the attack of our industrial robots seems a foregone conclusion. In fact, events at Washington indicate that the process has already begun.

Apostles of the newer economics vary widely in their opinions. One wing believes that the reorganization of industrial relations is the primary objective, and that finance will automatically adjust itself to an orderly industrialism, provided some additional safeguards are applied. The other wing maintains that financial methods have been mainly responsible for the industrial break-down, and that no revival can be permanently effective until the monetary system has been brought into parallel control as an integral part of the distributive system.

Both groups agree on certain fundamental ideas. One is that our great industrial plant can not function profitably, and in fact is faced with ruin, unless there is an outlet for the goods it can produce, the corollary of which is a purchasing power equaling the necessary volume of production.

The first group, out of which the policies of the Administration, the new banking laws and the NRA have apparently sprung, believes that by starting up industry under a control that maintains a fair relation between wages paid out and the price level of necessary goods, and at the same time staying the grinding process of forced debt-collecting, with its depressing effect on the banking structure and living standards, a renewed buying power will appear. This buying power, it is supposed, will guarantee sufficient income to relieve the existing unemployment and revivify national life.

According to this line of thought, the money now stowed away against the uncertain future will reappear in circulation and, coupled with the accumulated demand for necessities and replacements, financed by new commercial bank loans, will supplement the upward strength of the movement. In addition, there is the public works programme and as a last resort, the further

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devaluation of the dollar, through credit or currency inflation and higher prices.

One of the key points in this reasoning is that higher prices are essential to adjust the equities between debtor and creditor, and to enhance the circulation of goods, because rising prices always make for more active business. For convenience, let us call the foregoing the Blue Eagle economic creed.

This article, however, is chiefly concerned with the second group of new economists. They are in accord with the Blue Eagle plan of campaign, except, they contend, that it fails to take into account several vital factors. These all-important factors are enumerated below.

(1) It is inherent in the present stage of advanced technology and machine production for more goods to be produced than can be purchased by the money released through wages, salaries and dividends, at the prices it is necessary to obtain to cover costs and profits.

(2) In the past this discrepancy has been made up through the expansion of private bank credits, issued for permanent investment. This involves constantly increasing fixed indebtedness and productive equipment, followed by forced credit contraction and shrinkage of buying power and prices. The resort to instalment buying is included as part of this process, and it illustrates how borrowing and spending eventually weaken future potential buying power.

(3) There is now no national medium of exchange that holds any relation to the requirements of our population, or provides a basis for living standards and a reasonably secure future. What we have is a private system of issuing bank deposits against indebtedness which circulate by cheque. The indiscriminate way this so-called money is issued for profit, by thousands of bank officials, utterly out of touch with basic credit conditions, results in the steady upbuilding of the debt structure. Bank officials are powerless to prevent its mounting because of the necessity of keeping their deposits employed. The pressure exerted on them by the expectation of directors and shareholders of good profits also negatives good banking practice. As a matter of fact, bank officials have practically nothing of value to guide them. To repeat, keen competition among banks, supplemented by the profit incentive, is destructive of sound banking, so that a central bureau of credit information becomes a first necessity for any type of banking system, no matter how the banking system is aligned.

(4) It is the contention of this radical group of new economists that, far from the industrial requirements for money controlling the issuance and volume of money, the reverse is the fact. The bank managements and policies not only control, but dominate, the flow of trade from producer to consumer, in a way which sacrifices the whole national life to the profit incentive of the banks in good times, and to their fear of loss in poor times.

(5) It is a basic principle of the new line of thought that the money of the nation should be issued and controlled by a department of government, divorced from political control, and charged with harmonizing money with the flow of trade, so that price levels and living costs would follow the natural fluctuation of supply and demand, uninfluenced by speculative manipulation or the debt-credit relationship which has become so destructive.

So much for diagnosis. In their reme-

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dies to meet the requirements of an industrial commonwealth based upon advancing technology and production, the advanced group of new economists go still further. Their primary postulate is that the means of satisfying legitimate desires must be brought up to equality with the productive capacity of our equipment. Consumption must be equated to production. An old jingle is instructive:

Lord Chatham with his sword drawn
Was waiting for Sir Richard Strachan.
Sir Richard, longing to be at 'em,
Was waiting for the Earl of Chatham.

Producers clamor for orders. Consumers are longing to be at 'em. But in the absence of effective consumer-demand, stalemate is the result.

Heretofore bank credit in the form of loans issued to producers has been considered adequate for providing a supply of money necessary for trade. The most advanced group of economists claim that this is a wrong premise, camouflaged in recent years by the expansion of credits for construction and post-War replacement demand, and further disguised by the fact that our highly elastic system of bank money permitted us to expand foreign loans, in order to provide payment for the goods we shipped abroad in vast quantity. It seems now that we shall end by paying for these goods ourselves.

It is therefore contended that some new way must be found to get more money into the hands of the consuming public, for the reason that not all the money issued through investment and production channels reaches consumers. Much of it is held up for canceling previous loans or for reinvestment. Now this is the most difficult bridge finance has ever had to cross. It breeds questions. How prevent the volume of long-term indebtedness from constantly increasing faster than the natural increase of production? How establish and maintain the quantity of national money in proper harmony with the volume of trade, thus mitigating unwarranted variations in the general price level due to other than their natural cause, *viz.*, supply and demand?

One thing is insisted upon. Ways and means to these ends must first be based on statistical data. It is unnecessary that the data should be more than approximately correct. Much more plotting of coördinated records must be accomplished before a really scientific formula of monetary control can be established. But the material available and the methods in use are quite ample for a beginning, and working formulas can be developed from them which, if applied, would have an immediately stabilizing effect.

Even among the new economic group there is wide difference of opinion as to how the available data should be coördinated and utilized. This is quite natural at present. Carl Snyder of the Federal Reserve Bank of New York, Irving Fisher and one or two others are responsible for pointing the way to better coördination. The first is a staunch advocate of credit control by properly developed index ratios and has given many years to the study and dissemination of the principles involved. Irving Fisher's original index number system has been universally applied to industrial and trade statistics, and many modifications of it are now used, but the principle has become an integral part of our method of keeping industrial records. Note that its value in the field of finance is still unaccepted, which illustrates the maladjustment between industry and finance. It is not necessary,

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however, to go into details of these mathematical formulæ in order to get a clear idea of how our system has worked in the past, and why the most advanced economic students have arrived at the conclusion that unless definite changes are made in financial procedure, it can not be made to work acceptably.

CONSIDERATION of some well known facts will explain the above contention. A statement recently issued by the Federal Reserve shows that one-tenth of one per cent of the deposit accounts in the system hold 44 per cent of the deposits, and 96.5 per cent averaged $189.00 to their credit. It was shown by the report of the Hoover Committee on Recent Economic Changes that over 80 per cent of the population were living below a base of health and decency in 1929. The question arises, can such an uneven distribution of cash provide customers with sufficient buying power to utilize a volume of productive goods that will keep industrial machinery in profitable operation?

It was shown in the statistics compiled by the National Industrial Conference Board that the national wealth, as measured in current dollars, increased between 1915 and 1920 two-and-one-quarter times and that it fell in six months thereafter by about one-third. Since then the gyrations have been almost equally violent. Meantime, productive wealth on a stable dollar ratio (1913) increased over the fifteen years about four per cent per year.

But the indebtedness issued against this dollar wealth more than doubled while the increased production per man power increased only about thirty per cent, clearly a dangerously uneconomic condition.

It is claimed that such startling fluctuations are due almost entirely to handling the money of the nation through more than twenty thousand independent banks, and possibly sixty thousand individual officials, who have no yardstick to measure the credits they issue. It is likely that at least half the credits they issue are either unsecured, or secured by collateral appraised on its market price, which may be one hundred per cent or more above its true value.

It is further maintained that gold or any other commodity base for money is quite useless, even though the currency reserve may be rigidly maintained, as it has been, if the ratio of bank credit (i.e., loans resulting in circulating deposits) can be expanded ten to fifteen times the gold reserve, and contracted at will to half that amount when a wave of caution or fear strikes the banking community. The money that the population needs to maintain its exchange of goods in harmony with its living standards should only fluctuate with their needs, and the fluctuation should be controlled, and most certainly not reduced when slackness of trade sets in. The fluctuations of our monetary wealth cited above bear out this contention. Our gold and currency have been stabilized for years. But who can claim that we have stable money?

It is maintained by Professor Soddy and others that the adjustments sought should be made by the issuance by the Government of an additional amount of national money, over and above the four to five billions of currency in common use, so as to embrace all the money that is used for the purposes of passing goods from production to consumption. This is estimated at between twenty and twenty-five billions. The power of

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banks to issue private credits which have really grown up as a substitute for Government money would, as a corollary, have to be limited to loans for investment purposes, on a basis of reasonable ratio to the volume of goods going into consumption. Ill-advised promotions of new plants, in industries where productive capacity was already sufficient to meet public demand, should not be able to obtain credit facilities, thus making it possible to create and sell securities to the public for unneeded plant capacity.

THE overbuilding and excessive promotion between 1922 and 1929 was due primarily to the lack of a centralized source of reliable information as to where and when enlargements were required, and to the temptation offered by the soaring prices of investments, out of all relation to their value as income producers. This condition was brought about by the post-War replacement demand of foreign nations. Our highly elastic credit system gave support to rising security prices, and the idea of an unlimited market for securities was established. It resulted in overbuilding, and on top of that overexpansion of investment-credits and bank money.

Two special cases may be cited to show how this worked. The published records of the New York Stock Exchange gave the number of shares listed in January, 1925, as 433,000,000, with a market value of $27,000,000,000, and in addition there was a market value of listed bonds of $33,000,000,000. In July, 1929, four and a half years later, there were 954,000,000 shares listed, with a market value of $77,000,000,000, and $46,000,000,000 of bonds.

It is clear that much of this new paper wealth was fictitious. It was pure inflation; it was fostered by the elasticity of the credit system; it was built largely upon debts and speculation; it was measured by market prices.

The second special case has been publicly discussed, but it is merely the counterpart of thousands of cases that exist throughout the country and are responsible for the real estate debacle in both urban and rural property. The Lincoln Building in New York was built at a cost of $27,000,000. It was sold for $4,750,000 on foreclosure, and is to be recapitalized at $15,000,000. It was built with inflated money, this money being chiefly issued as the result of new indebtedness based on the inflated values. Unluckily for every one, such debts do not deflate when money is deflated, although they frequently have to follow suit, because under our credit system it is usual to create debts upon market values and not on true productive value. Thus, pyramiding prices and money values means also pyramiding debts. The vague credit policies of our banking system are chiefly responsible for this condition.

All groups of economists agree on the necessity for a better control. Their differences lie in the degree and method of control necessary. Recent bank legislation and the new codes for the leading exchanges are efforts in harmony with the views of the older group. But the newer groups maintain that these steps will be found futile. They fortify this position with the statement that no financial adjustments of this nature will meet the need of getting enough money into circulation. They flatly assert such adjustments will not produce the increased income necessary to provide a surplus for debt liquidation, either governmental or private. Moreover, they claim that the debt accruals are mount-

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ing more rapidly than any surplus income available for meeting them.

On the other hand, this new economic viewpoint is not sterile. It starts afresh from well established postulates, derived from new economic factors. To be brief about it, the postulates are: (1) debts are only ultimately liquidatable by the surpluses derived from a full absorption of consumption goods; (2) the debt structure under existing conditions inevitably increases more rapidly per capita than the increase in actual production; (3) debts arising from the expansion of investment credits can only be ultimately liquidated out of surplus earnings; (4) these debts are immensely larger than the debts created and readily liquidated by the ordinary processes of trade; and (5) mass production as represented by the application of power to industry can only survive through full consumption by the masses. The outcome is that a diffusion of buying power throughout our population is required and this diffusion is clearly not attainable under existing conditions. Yet without it, wealth, as we know it, is doomed.

Deductions from the foregoing are fairly obvious. First, national spendable income must be restored and be more equitably distributed among the great mass of the population, in order that the financial impasse may be removed. This means that consumption must be at least doubled, say from forty billions in 1932 to the level of 1929, eighty-five billions. Second, the expansion of new production equipment should be governed by the indexes of demand, and should follow the average trend of the past half century, that is, between two and a half and four per cent annually.

To attain these objectives, the new economic viewpoint requires that credit, heretofore a blind force in our national life, must be made a function of government. As to whether it is necessary to scrap the whole existing banking system, or whether it can be suitably modified, there is a difference of opinion. But it is fairly well agreed that credit as a prerogative should not be confined to producers, but must be extended to consumers equally.

It is admitted that industrial coördination and employer-employe relations are of ultimately equal importance, but these can not be achieved without an honest dollar to start from. The dictum is, therefore, that credit must be limited and divided equitably between producer, consumer and technological advance in accordance with indexes of trade, i.e., of consumption and production. The Blue Eagle economist has not yet flown in his thought to this conclusion.

Many ways for attaining these objectives have been proposed. For example, the issuance of stamped scrip as a direct bonus to consumers, or the distribution of a national dividend to all consumers, based upon the loss of national income now being experienced which it would recover. There is also the Government-assisted price of goods sold at retail, designed to take up the slack between rising prices and lagging purchasing power, but assuring the increase of both the demand and supply of consumption goods. The first of these proposals, the stamped scrip, arises from the practical economics of Silvio Gesell, a Swiss financier. The second two proposals arise from the economic philosophy of Major C. H. Douglas and Frederick Soddy.

The above proposals are designed to meet the realities of modern life. They are based on scientific analysis of trade processes and incentives, and cover in

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their philosophy such pressing questions as government budgeting and taxation, and the use of now unused equipment for the purpose of abolishing poverty, unemployment and restoring a solvent State. They all aim at maintaining our established institutions and forestalling a general collapse which might result in socialism or communism.

We are now confronted with the problem of organizing for consumption. Can this be achieved without as great a change in the technique of consumption as has already taken place in the technique of production? It is a daring question. More daring still is the new economist's reply: there must be a revolution in consumption. And the first essential change is in the approach to the ethics of the problem. The ingrained idea that only those who work shall eat must be changed. Circumstances call for a new formula, something like this: "Every one must live (or consume) *according to his capacity* to produce, so that production may prosper." The opportunity to produce, to render service, or to find suitable occupation would be revived under this new formula. Meantime, those lacking opportunity should not suffer. Their sufferings now only add to the difficulties of the whole group.

These facts are receiving a certain recognition already, but they have not yet permeated the mass-consciousness sufficiently to produce effective results. Until the full significance of the meaning of the economic changes becomes nationally understood, we shall probably continue to flounder. This floundering is well illustrated by the financial policies in vogue for the past several years. They recognize the facts but don't meet them. The Hoover policies poured money, upwards of three billions, out of the national Treasury, and by credit instruments sluiced it through the regular entrepreneur channels of finance. But it did the nation little good, because only a small proportion could reach the consuming public.

In a lesser degree the present Administration's plans persist in the same idea, namely, to get Government money into the banks and into the corporations and business; let them produce, and all will be well. But we have already seen and are seeing today that this scheme is not working; prices rise faster than disbursements, inventories increase faster than volume consumption. Meantime, the Government is taking over private debts—not liquidating them, but carrying them.

A few billions more spent in public works would not continue to circulate as a true Government money would circulate. Most of it is swallowed up in overdue debt liquidation and goes out of existence in canceling private bank or other indebtedness. The argument that this in itself leads to a better financial position may be in part true, on the ground that the payment of one debt facilitates the incurring of another. But it did not in the past, and it does not now, represent buying of consumer's goods in multiple volume and in excess of the general price rise. And it is a truism to say that buying power must be released in equality with the price rise if the volume of debts is to be reduced to workable proportions. This means the release of double the purchasing power now circulating.

Hence it seems inevitable that the Government will be forced forward upon a direct grant of buying power to the consuming public as a whole, in such manner that a revolving fund of cir-

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culating Government money will be created, indestructible like the national currency. But this carries with it the necessity to prevent inflation by controlling the volume of private credits issued through the banks. A controlled issue of Government money, based on trade turnover, can not cause inflation, but if it were followed by an expanded issue of private credits such as occurred from 1925 to 1929, based upon the optimism of business improvement, an inflation would result that would be destructive.

The effect of the adoption of a financial policy *tied tight to the consumption factor* would meet several pressing problems. Developed along the lines that have been proposed by some of the more far-sighted economists, it would relieve taxation and solve the problem of the budget. It would render present financial operations for Government funds unnecessary, and create instead a national money adequate to the needs of the nation, and make a permanent circulating medium, unlike the bank credits now created and destroyed when the wind blows south or north. With such a foundation to build upon, half the problems of the NRA would disappear.

ONE of the primary innovations of the new economic viewpoint is the conception of the "Cultural Heritage of the Nation," which is the ethical justification for the National Dividend. To the failure to recognize it as an economic force is laid much of the present disturbance. Edward Bellamy in *Looking Backward*, published over fifty years ago, indicated this cultural inheritance in the following words:

> How happened it that your workers were able to produce more than so many savages would have done? Was it not wholly on account of the heritage of the past knowledge and achievements of the race, the machinery of society, thousands of years in contriving, found by you ready made to your hand?

C. M. Hattersley in *This Age of Plenty* has modernized the definition thus:

> This term comprises the vast heritage of discovery and invention, of culture and learning . . . which have been handed down and developed by generations from the dim beginnings of the race. Collectively these form the Common Cultural Inheritance of humanity, or more shortly, Civilization.

That there has been a vague recognition of a common right to this inheritance is found in various types of beneficial legislation such as old age pensions, unemployment insurance and special aids to weakened industries, subsidies, etc., but these in their very nature have limitations which fail to produce a comprehensive welfare and in some respects actually clash with the welfare of the majority. But advanced economics has assumed collective progress in the industrial arts, not as an ethical formula, but as a pragmatic element in the economy of advanced industrialism. As such, it takes its place as an important element in an economy of balanced production and consumption at capacity.

In a cruder form we might say that in self-defense *producers* must at least utilize the consuming power now going to waste in the indigent, the old and the reluctantly idle, and arrange through the financial power of the state to create a basis of credit whereby this utilization can be achieved.

This becomes of vital concern to all classes from the bankers and industrial captains to officials and wage earners, for otherwise the volume of products out of which they all can live goes to

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waste. Practically the question again resolves itself into providing the adequate means of buying power, and this can only be provided to save mass production and mechanized industry by putting every one in the country on a health and decency basis. Money issued by the Government for this purpose, if properly controlled by the index ratios of production and consumption, becomes a revolving fund, so broad in its application that it renders all other forms of stimulus to special interests unnecessary and, in addition, places Government finance and taxation on a stable basis.

But all this means a fiscal policy governed entirely by trade records, centralized and coördinated in a bureau protected against politics or special interests.

It is a safe deduction from known facts that no International Economic Conference will save a situation which calls for the stabilizing of internal conditions before external relations can be fairly measured. The hope inspiring the last conference that some nations would sacrifice themselves for the benefit of others has been permanently dashed. Foreign exchange of goods except as a matter of mutual advantage has faded from the picture. In future, nations, like business men, must approach each other from the standpoint of mutual advantage. To do this effectively the adjustment of domestic economics must first be achieved on the basis of a sane relationship of consumption, production and finance. When this is done the intense nationalism of the present time will dissolve in mutual coöperation.

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All Hottentots or Millionaires

By Norman Lombard

Who, agreeing with Edward F. Harvey that the Administration policies are inadequate, suggests a different monetary control

Since the remedies for the depression thus far tried have not been altogether effective, it will not, perhaps, be considered unpatriotic if we analyze some of the popular fallacies of current thinking on which those remedies rest, and consider alternative measures that have not yet been given an adequate trial.

The basic fallacy of our times is our old friend, the "mercantile theory." Probably this error of thinking has been the greatest stumbling block to economic progress in all times.

The mercantile theory would lead us to believe that nations get rich by increasing their supply of money rather than by increasing their production of goods. It grows out of the natural feeling that, since men get rich by "making money," by piling up money and claims on money, therefore the same rule must apply to nations. This is not true; but we can not understand the error unless we understand money. And our vagaries on that subject arise out of a fundamental misconception as to what it is and a confusion of the terms "money" and "wealth."

In the widespread acceptance of the mercantile theory lie the explanations of such phenomena as the perennial opposition to the use of labor-saving machinery; the common belief in the desirability of a "favorable balance of trade," with its consequent confusion over the subject of intergovernmental debts; and a group of four interrelated fallacies which are the immediate subject of this discussion. These are the belief that overproduction caused the drop in the general level of prices that brought on the depression; the belief that a country can be made prosperous by limiting production; the belief that, by increasing wages and shortening hours of labor, spending will be increased; the belief that governmental spending, as for public works, adds to the total purchasing power.

The most dangerous of these four fallacies is the belief that the drop in the price level that brought on the depression was caused by overproduction. We are plowing up growing cotton; domestically and even by international agreement we are trying to limit the production of wheat; we are destroying sows in farrow as a means of reducing the world's supply of pork; we are reducing the hours of employment or the

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output per man in factories, even going so far as to prohibit the introduction of new labor-saving machinery and to restrict the entrance of capital into the erection of new factories. How long will it be before we start dynamiting a portion of each existing factory, burning down dwellings, filling up mines?

There is a deep-seated mistrust of these activities. Every one feels that there is something inconsistent in destroying food when men are hungry, but the idea nevertheless persists that, from a social point of view, production must be restrained; that it is uneconomic; that it leads to catastrophe.

Some say that the steps currently taken are necessary to meet a temporary situation. They say that we have, at the moment, too much wheat relative to other things and that, therefore, we must grow less wheat, or that we have too much sugar, and the remedy is to produce less sugar.

There is an obvious lack of consistency between these efforts toward lessened production and governmental activities to increase production, as in the fight on the boll-weevil and the Mediterranean fruit fly, in the efforts to bring new farm lands into use by irrigation and drainage, in power-plant construction, in the intensive scientific search for means to increase farm yields and the output per man in industry.

Further evidence of the instinctive feeling that there is something unsound in the overproduction theory is seen in the efforts to increase buying power by "spreading work," under the NRA, or in the proposals to expand governmental expenditures by engaging in "public works."

Are these not all expressions of an underlying consciousness that our difficulty is one growing, not out of overproduction, but out of underconsumption, that there can be no real and general overproduction "until the last Hottentot lives on the scale of a multimillionaire."

If this is a correct analysis of the situation, it becomes clear that our troubles grow out of our common failure to go to the bottom of the subject, and the explanation of this failure lies in the fact that, when we get well started in our study, when we begin to question our axioms, our prejudices, our superstitions, we encounter the subject of money and prices, and there an inferiority complex takes possession of our minds. We remember the discredited money movements of the past, the "free-silver" agitation, the greenback campaign, the Jacksonian episode, and, as a result, it is considered distinctly bad form, or it was until recently, to question the gold standard, to ask what is meant by the expression "sound money." "Tinkering with the currency" is looked upon as a crime comparable with treason. Men could starve before we would try to understand deflation, reflation and inflation.

It is vastly important that we should see that a fall in the general level of prices is not a necessary consequence of overproduction, providing the supply of the means of spending (money) increases along with the supply of everything else. If the production of two commodities increases proportionately, and nothing transpires to affect the relative demand for them, must not then their relative market price remain the same? For example, if we double the supply of corn and also the supply of wheat, the value of corn relative to wheat is not thereby affected, although the price of both may fall relative to other things. It is exactly the same when

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you have money on the one hand, and commodities on the other. If everything increases in supply at once and the monetary supply keeps pace, increasing *pari passu* with trade, there can not result any fall in the general level of prices, no matter how large the general production becomes. When we remember that the law of demand and supply applies to money as it does to shoes or anything else, is it not clearly to be seen that a rise or a fall in the general level of prices, as distinguished from a change in the prices of individual commodities or groups of commodities, is solely a monetary phenomenon and not an indication either of general overproduction or of general underproduction?

THE second current fallacy is the belief that prosperity can be attained by reducing production. This fallacy is evident when we realize that what one man produces furnishes the means to buy what the other man has produced. Hence, if one man reduces his production, the other can not sell his goods to him in such large volume. In other words, a decrease of production results in a reduction of employment and hence deepens the depression.

Clearly, maximum national well-being is a product of large net production plus a net surplus of imports over exports and of leisure to enjoy the resultant supply of goods and human satisfactions. Reducing or limiting production inevitably lowers the average well-being. We could all use more clothes, houses, food, autos, yachts, books, entertainment and a million other things, and we might well have much more of these things than we now have.

Merely putting more people to work, or paying more people a higher hourly wage, does not necessarily mean that there will result an increase of purchasing power, absurd as this statement may seem on casual consideration. It seems logical that, if one hires more men or pays his men more money, then there must result an increase of the total spending power. But that depends upon where the money to pay these men comes from. If it comes out of the employer's pocket or bank account, then it reduces his spending power just as much as it increases that of his employes. If any such apparent increase of spending power comes, by one route or another, out of existing money supplies, already in circulation and in use, then the process does not increase the total spending power. It simply transfers spending power from one individual or group to another, from one workman to another, from employers to employes.

Obviously there is a limit to such a procedure, unless profits are increased sufficiently to yield the larger wage payment. We can't forever keep taking water out of a vessel without putting more in. Furthermore, the net economic gain from merely transferring spending power is nil, howsoever valuable it may be as a social device to spread the good things of life.

In so far as any effort to raise wages without increasing production per man succeeds, it must inevitably result in an increase of manufacturing costs. It then follows that this must be offset by increasing the tariff to prevent foreign competition from getting all the business. This would reduce imports and consequently exports, because, in the long run, they must balance; and this would spell ruin to the farmer producing for export. The next step is to give the farmer a concealed dole, in the

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form of an artificial boost of the prices of the things he produces, this to be financed by increasing the tax on consumers and on industry, which means still higher costs of production.

Once launched on a series of these attempts of the economic snake to live on his own tail, there is bound to be less snake; if it goes on long enough, the snake will have eaten himself up completely.

It is necessary, if we are to understand clearly this matter of increasing purchasing power, that we examine each proposal to see whether it will really increase spending power or merely transfer it. Suppose we consider governmental expenditures for public works. If the money is borrowed by the Government through the sale of bonds to individuals, then it merely comes out of one account and goes into another, possibly in the same bank. No actual increase of spending power takes place.

An example may help to make this clear. If the Government sells a bond to A, he draws his cheque on the bank to pay for it. The bank then is forced to ask some borrower, B, to pay his loan in order that it may meet A's cheque, unless the Government deposits the cheque in the same bank. Clearly, neither A nor B can then spend the money. The spending power has been transferred to the Government.

Of course, if the bank goes to the Federal Reserve for the funds to meet A's cheque, then there is an actual increase of spending power or bank credit. But this same result follows when the Federal Reserve banks buy bonds on their own volition. There is no necessity for the Government to issue new bonds to enable them to do this.

Was not the refusal of President Hoover's advisers to see the monetary angle of the whole problem, or their reluctance or inability to follow its implications to a conclusion, the real cause of his failure to end the depression and of his resultant defeat? Did he not place reliance on the RFC and similar activities, which did not increase but merely transferred spending power, as the NRA is now doing? Did he not attempt artificially to control prices by operating on specific commodities, such as wheat, although in a less unsocial way than by destroying or dumping them? Did he not fail to assert society's mastery over this monetary Frankenstein monster, which alone determines the volume of purchasing power and hence is the only instrument that can control the price level and prevent booms and depressions?

PRAGMATICALLY, the non-monetary New Deal experiments, however well intended, have not worked. What would work?

Generally conceded, now, is the fundamental fact that the only cure for unemployment and depression is to increase spending power. There seems now to be no difference of opinion on this.

A related fact, not so generally recognized however, is that such increase of buying power can come in only three forms:

(1) Increased supplies of coin or currency in actual circulation

(2) Increased use of bank deposits subject to cheque

(3) Increased circulation of existing monetary supplies, that is, increased "velocity of circulation."

Therefore, it is clear that our efforts should be directed toward one or more of these three objectives.

In order to avoid confusion of thought due to this fact that both the

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money volume and the velocity of circulation of money are factors in the volume of spending power, I have ventured to coin a new term to express the concept of the total supply of money, bank cheques and other money-like instruments of payment, multiplied by the velocity of circulation thereof—to wit: "money-like volumocity."

For securing the essential increase of spending power or volumocity, there are devices of two kinds. One kind is aimed at the increase of borrowing from their banks by business men. They consist in: (1) Spreading reports or making announcements that the price level is going to rise. (2) Open market purchases by the Federal Reserve banks—not by member banks, whose purchases merely transfer holdings. Such Federal Reserve purchases tend to increase the member bank reserves; but they are not effective in producing an actual increase of volumocity except when the increased reserves are used by the member banks to increase their loans and investments. (3) Increased rediscounts by member banks, which are encouraged by reducing the Reserve banks' rediscount rates. (4) Increase of gold supplies through imports or production or the taking of gold out of "earmark" or out of more popular forms of hoarding. The results are identical with those following open market purchases. (5) Reducing the weight of gold in the dollar (which is the same as increasing the mint price of gold), as a means of stretching a given supply of reserve gold to enable it to support a larger volume of credit and currency. (6) Using another sort of metal to supplement gold in the reserves or in the circulating medium. This is effective only when it results in an actual increase of volumocity.

The other kind of devices is aimed more directly at the circulating medium. They consist in issuing legal tender money solely on the faith of the Government or other issuer. This is called Fiduciary Issue in England. It provides a real and actual increase of volumocity and it can be effected by issuing the notes in purchase of outstanding bonds, in payment for public works or of Government expenses, etc. In the same general category is the increase of national bank notes, Federal Reserve notes and Federal Reserve bank notes, although these devices are under banker control.

Among the devices for *limiting* or *decreasing* the volumocity are:

(1) Decreasing the volume of borrowing from their banks by business men by spreading reports or making announcement that the price level is going to fall. (2) The sale of securities by Federal Reserve banks. (3) Increasing the rediscount rate as a means of discouraging rediscounting by member banks and, hence, of limiting or reducing the volume of their loans to their customers. (4) Exporting gold, or otherwise reducing the gold supplies, such as "earmarking gold," circulating gold or gold certificates, taxing gold mining, etc. (5) Increasing the number of reserve cities, which has the effect of compelling the banks in those cities to carry larger reserve balances and hence to call loans. New reserve cities may be created by resolution of the Federal Reserve Board. (6) Calling the unpaid capital of Reserve banks. It is now only half paid up. (7) Increasing the legal minima of member bank reserve ratios. This would force the banks to call loans if their reserves were below the new minima. New legislation permits this to be done readily. (8) Calling

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in Treasury balances in gold and hoarding it. (9) Retiring national bank notes, Federal Reserve notes, and Federal Reserve bank notes. (10) Increasing the weight of gold in the dollar, which would reduce the nominal gold reserves of the Federal Reserve banks. (11) Retiring United States notes. This can be done by issuing interest-bearing bonds in redemption thereof and by other means.

It will be noted that the devices for limiting and decreasing the volumocity, that is, for preventing inflation, are both more numerous and more effective and compelling in their effects than are those for expanding it. This is the answer to those who would tell us that, if we try to manage the monetary supply rationally and scientifically, we are sure to have such orgies of inflation as Germany experienced during and after the War.

EXPECTATION of a rise or a fall in the price level is a matter of major importance in this problem of controlling the volumocity. If people know or expect that there is going to be a rise in the price level, they will not only spend what funds they have, which means an increase of the velocity, but they will go to their banks and borrow more funds to buy more goods; and the banks will then lend them the funds willingly. This means an increase in the volume of money and credit in use. The combined result in a positive increase in the volumocity.

On the other hand, if people think there is going to be a fall in the price level, they will not only be slow to pay out money to buy goods, but they will use it to pay off their loans at their banks, thus bringing about a decrease of both volume and velocity.

Confidence in the future of the price level is what people usually mean when they speak of the necessity that "confidence be restored." They do not mean confidence that the budget will be balanced or in the credit of the Government, or in the "soundness" of our money. They mean confidence that prices will not fall, or that they will rise. This confidence can be assured by means of a public announcement of the future price level by the authority having the power to determine it—which means the President, under existing law.

The problem of regulating the volumocity so as to secure for society the boon of a stable price level is thus seen to be, not a problem of economics, but of management, comparable to that involved in controlling a lake so as to keep its surface at a stable level, plus the problem of assuring the public as to what to expect in the way of a future price level. This latter part of the problem is solved, however, when the public is taken into the confidence of the monetary authorities and a definite future price level is publicly announced and the public is assured that the monetary powers will be used to attain that level and to stay there when it has been reached.

Such a public announcement by the President would be the best possible safeguard against inflation (or a rise of the price level above the desired and announced point), because, as that point is approached, everybody will know that the monetary powers will be used to stop it there. Hence, they will govern their own borrowing and lending accordingly, and thus assist in the process of stopping the rise. Also, with a definite and equitable price level set in advance, public opinion would surely support the monetary authority in the

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use of all its powers to stop it from rising farther.

The point at which the level of prices is to be stabilized is not nearly so important to society and to economic stability, however important it may be to individuals, as would be the definiteness given to the monetary policy and the assurance given to the business public by the announcement, if made by one having the authority to enforce it.

However, the level to which equity would dictate that the general average of prices should always be restored, after any departure therefrom, is the weighted average of the levels at which existing debts were contracted. This is the "level of maximum equity" because it is the level that would work the maximum equity between creditors and debtors and result in the minimum of injustice in the effort to right the wrongs already created by previous wobblings in the value of the monetary unit.

Its calculation is a purely administrative and comparatively simple task that offers little difficulty to those trained in such work, and for which all the necessary data are of record and available.

When the general level of prices continues for a considerable period at one stable height, then business hums under the universal impetus of profit-seeking and the general desire to increase earnings by increasing productivity.

This statement does not depend upon logic alone for its proof. It is supported by ample experience. A study by the International Labor Office covering over twenty countries confirmed it. It was proved beyond a doubt by the experience of the United States from 1922 to 1928, during which period Governor Strong, of the Federal Reserve Bank of New York, maintained the general level of prices on an even keel, by the use of only such of the devices mentioned above as were available to him. And an irrefutable demonstration of the practicability and effectiveness of the policy is provided by the success of Sweden during the past two years, where the monetary authorities have, deliberately, successfully and in accord with announced intention, utilized their powers to keep the price level stable.

These advantages might now be ours if the President or the Congress should issue instructions to the Federal Reserve and other monetary authorities to utilize their powers as described above, and now granted to the President under the Thomas amendment, to the end that the price level be restored to the "level of maximum equity" and there stabilized.

Clearly, the paramount duty of government is to see to it that the monetary machine is so managed that the general level of prices does not fluctuate, rather than to permit it to fluctuate and then attempt the wholly impossible task of locating the victims and trying to compensate them for the injustices and inefficiencies and hardships that result.

In short, that government is best that keeps the price level stable, because then it will have to govern least!

If we restore the average of prices to the level of maximum equity and keep it there by scientific monetary control, we shall have taken the first essential and the longest possible step in the direction of efficient economic planning. Without it, society seems lost in a mental quicksand and headed for economic suicide.

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Retort to *The Fight Over Money*

By Richard A. Lester

Some comments, from the more conservative point of view, on Paul Ernest Anderson's article in last month's Review

The nature of money is probably least understood by those who have the most of it. We, as a people, have been accused of being money-mad. Certainly, judging from the crackbrained notions about money that one hears so frequently nowadays, some of us must be mad.

Who hasn't, at least twice a week, been treated to that mercantilistic fairy tale of the local shopkeeper to the effect that chain stores drain a community of its money? But where is there a village that shows signs of such currency starvation? One might just as well argue against buying automobiles because such purchases mean sending money outside the town—to Detroit. How much better to use horses which reproduce themselves and feed on local fodder! Think of how rich the town would be from the funds so saved!

Monetary truth, I realize, is stranger than monetary fiction. Gresham's law, that bad money drives out good money, must sound strange to both Biblical students and movie fans. I admit that our economists, with their abstruse explanations and Crusoe-Island illustrations, have been of little assistance to the bewildered layman in his search for monetary truth. But it doesn't help matters for journalists and fiction writers to go the professional economists one better, for them to offer a confused public pages of solemn nonsense and disproved or unproved notions. I refer particularly to Paul Ernest Anderson's article, *The Fight Over Money*, in the October issue of The North American Review, and I shall have occasion to refer to it more particularly in just a moment.

It is a platitude that a man must make money to be prosperous. But it is far from true that a country can become prosperous by making (printing) money. Neither is it true that the more money a country has, the wealthier it is. Germany learned this sad lesson shortly after the War when a billion marks bought but a box of matches.

During a depression each person feels that what he needs is more money. Naturally, he assumes that this is what the country as a whole needs, whereas, as a matter of fact, if both the amount of money and all prices should double overnight, he would be no better off than he was the evening before, even though he had twice as much money in his pants' pockets and the dollar value of his assets had doubled. Wealth is a

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relative matter, and purchasing power is increased by production, not by printing money. As Malthus pointed out in 1811, unless "the product of a country has been increased, it is impossible for one person to have more of it without diminishing the shares of some others." An increase in the amount of money without a proportionate increase in trade means a shift of purchasing power from one man's pocket to another's. The crux of the problem is the question whether an increase in the quantity of money means an increase in production and capital. Mr. Anderson believes that it does.

He introduces his discussion of the Colonial loan-office in Pennsylvania by stating that "the creation of new capital in a new country by the simple expedient of printing paper money and backing it up with the credit of the community (or the Government) very early became a definite part of American commercial and banking history, and maintained an unusual degree of local prosperity. Although much of this money finally depreciated, it must never be forgotten that it paid for a great many useful things, such as houses and improvements, land and education, thus creating values which did not disappear with time, as money itself did. The use of paper money in Colonial times was in one case [the Pennsylvania loan-office] especially successful."

E. S. Sparks, surveying the public loan-office experience of each of the original thirteen Colonies in his *History and Theory of Agricultural Credit in the United States* (1932), comes to no such happy conclusion. His remarks lead one to doubt that the Colonial loan-offices did any more than to redistribute the available capital, making capital cheaper and more plentiful for loan-office borrowers and therefore scarcer and more costly for others. He doubts that these Colonial land banks directed capital into the most productive channels, which he states is necessary in order to increase production and the wealth of society. Without doubt, the inflation they brought about by issuing batches of paper money, as does every inflation, caused an uneconomic distribution of the existing capital funds. At the height of inflation in Germany there was not more but less capital than formerly. German capital took flight then as American capital is doing now.

It was Jeremy Bentham, writing as far back as 1804, who explained that "all hands being employed, and employed in the most advantageous manner, wealth—real wealth—could admit no further increase; but money would be increasable *ad infinitum*. The effect of every increase of money (understand, of the ratio of money employed in the purchase of things vendible, to the quantity of things vendible for money) is to impose an unprofitable *income tax* on the incomes of all fixed incomists."

Bentham had been discussing the question, whether capital might be increased by governmental measures. He had explained that a government, by raising tax rates and thereby decreasing consumption ("sacrificing present comfort"), might add materially to "the mass of future wealth" of a country. A present-day illustration of this would be the five-year plan in Russia. This Bentham called "forced frugality"—known now as "forced saving."

He then went on to say that the effect of forced frugality is likewise brought about when the government or individuals print paper money. "In this

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case, the effect is produced by a species of indirect taxation. . . . Here, as in the above case of forced frugality, national wealth is increased at the expense of national comfort and national justice." He is, of course, assuming that the additional currency is spent on capital goods rather than on consumers' goods.

With an increase in the use of money not offset by an increase in trade, some prices move faster than others, and, as a result, the incidence of price changes is always unequal. Wages rise less rapidly so that, in the words of Henry Thornton, "the labourer may be forced by his necessity to consume fewer articles, though he may exercise the same industry." Not that he wants to consume less, but his pay envelope doesn't reach as far as it used to. Furthermore, in the process of inflation, capital is redistributed along less economic lines; an economy already unsteady becomes more unbalanced. The very things happen which we today, by means of the NRA, are trying to prevent. Is it any wonder that economists claim that inflation does not settle problems, that it only postpones and intensifies them?

Of course, it is easy and very cheap to issue paper money, especially if one isn't forced to redeem it in specie, and to keep it up to par with some standard of value. To loan money to people by issuing notes is to receive interest for one's debts—a truly remarkable phenomenon; it is nothing less than lending one's engraved I.O.U.'s at interest.

Mr. Anderson complains: "When an Eastern banker demanded payment in specie, the pioneer community regarded the demand as destroying assets and property values; moreover, it did mean the wiping out of a portion of the small banker's working capital, which was indeed scarce enough." Of course it caused inflated values to fall, but the small banker never lost much. All he needed to start in business was some paper, a printing press and the first month's rent, which he probably produced on the press. Had the Eastern bankers not attempted to halt this paper money orgy, the West would soon have gained control of most of the country's resources.

In this connection, it is well to recall Gresham's law, that an excess of cheap money will cause more valuable monies to disappear from circulation. Obviously, if the Western bankers printed money at a more rapid rate than their Eastern brethren, Westerners would be able to buy more property and more of the country's products. In other words, in making money by the printing press, as in so many other instances of making money, what is one man's gain is another man's loss.

Mr. Anderson points out that the Pennsylvania loan-office issued paper money "based on the wealth of the province" and "kept the amount of issue in due relationship with the growth of values in the province." Here, as in a number of other instances, he has put the cart before the horse. Values are dependent upon the amount of money in use. If the amount of money doubles overnight, values are apt to increase proportionately. To say that the amount of money was kept in due relationship with the growth of values is to tell how vigorously the tail wagged the dog.

After making such an elementary blunder, one might expect almost anything, and that is just what Mr. Anderson sincerely offers us. What this country needs, apparently, is not a good five-cent cigar, but a national money

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based on the national wealth, a currency similar to the Colonial loan-office notes but manufactured at the mint in Washington. "Not alone does history speak for such a step forward," so he claims, "but also the events and conditions of the day."

Quite the contrary, Mr. Anderson. History does not speak for it, nor is it a step forward. Rather it would be a step backward, back to the late Seventeenth Century when land banks flourished in England, back to the infamous schemes of John Law, back to the worthless assignats of the French Revolution, back to the depreciated paper of our Colonial loan-offices and land banks, back to the days—bygone I had hoped—when it was commonly believed that banks were wealth-creating institutions and that it was only necessary to set the presses in motion to supply a poor people with manna.

The Germans have learned just how much wealth one can produce by printing presses. During their post-War monetary unpleasantness, "the great majority of the population was in extreme want." Can we learn from the costly experience of others? Can we learn from history, or must we repeat it?

THE loan-offices and land banks mentioned above issued paper bills which they loaned on land security. It is easy to see how such currency soon depreciated. The more bills that were put out, the higher prices went, the more the land was worth in terms of depreciated paper money, so that more paper notes could be issued and loaned on the same piece of land, and so on and on the vicious circle spun. Because the inconvertible currency issued was based on the *value* of property instead of a fixed weight and fineness of metal, there were no restrictions on the rise of prices—the sky was the limit. In Germany in 1923, when the printing presses were belching forth billions of marks daily, the people complained of a shortage of currency. Prices kept rising as fast—they even rose faster—than the currency was increased, so that, like Alice in Wonderland, the Reichsbank officials had to run faster and faster in order to keep up with themselves.

As far back as 1740, William Douglas pointed out the fallacy of attempting to base a currency on wealth (the value of property). At that time he asserted: "A Land Credit or Bank may do in a Country of no Trade, but it is ridiculous to imagine that it can serve as a Medium for foreign Commerce. It does not lend itself to transfer as is the case of silver. Also as currency based on land is increased it depreciates, while land goes up in denomination values, whilst what is owing upon the land becomes so much less as the Denominations do depreciate: Hence it is, that a Land Bank is so much desired, by those who are in Debt by mortgage, or who desire to run in debt by mortgaging."

That great Secretary of the Treasury, Alexander Hamilton, in his younger days thought that a currency tied to the land was just the thing for the, at that time, confederated Colonies. But as he grew older and wiser in the ways and wiles of money, he publicly confessed his error in this matter.

Let me explain right here that it is not my ambition or intention to enter the lists as a self-appointed champion of the anti-inflation forces. Wiser heads have debated that perplexing problem, to inflate or not to inflate, which Will Rogers claims is the Democratic question. I am not arguing in defense of de-

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flation and a "dishonest dollar," but in defense of truth and understanding.

That there is a case for inflation, I would readily admit. Stuart Chase has probably stated it as well as any one, though briefs on this question have been prepared by debtors from the time of continentals and assignats to the days of shinplasters and the present Rooseveltian rubber or commodity dollar. But that the inflationist cause can be supported by such sophistry as Mr. Anderson offers us in the name of history, let me be the first one to deny and declaim as bunk.

If, after all other remedies fail, the debtor class in this country forces us to down the bitter pill of currency inflation, let us do so with open eyes as well as open mouths. Above all, let us admit that it is a pill and not a plum; an emergency measure and not a choice morsel to be added to the daily diet of the dollar-chaser.

Actual

By Frances Frost

This day is good for I have seen
A wind that mowed the final green,
A rocky stream where leaves had been.
This day is good, because the cold
Is gray, and all the scattered gold
Has crumpled: earth lies dark and bare;
Even the birds are black that fare
On ragged wings through pewter air.

This day is good to taste and touch:
It has a sturdy flavor such
As summer does not proffer much.
The richness of the year has flown:
This day stands starkly and alone,
As honest and as staunch as stone.

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The Red Pony

By John Steinbeck

A Story

At daybreak Billy Buck emerged from the bunkhouse and stood for a moment on the porch looking up at the sky. He was a broad, bandy-legged little man with a walrus moustache, with square hands, puffed and muscled on the palms. His eyes were a contemplative, watery gray and the hair which protruded from under his Stetson hat was spiky and weathered. Billy was still stuffing his shirt into his blue jeans as he stood on the porch. He unbuckled his belt and tightened it again. The belt showed, by the worn shiny places opposite each hole, the gradual increase of Billy's middle over a period of years. When he had seen to the weather, Billy cleared each nostril by holding its mate closed with his forefinger and blowing fiercely. Then he walked down to the barn, rubbing his hands together. He curried and brushed two saddle horses in the stalls, talking quietly to them all the time; and he had hardly finished when the iron triangle started ringing at the ranch house. Billy stuck the brush and curry comb together and laid them on the rail, and went up to breakfast. His action had been so deliberate and yet so wasteless of time that he came to the house while Mrs. Tiflin was still ringing the triangle. She nodded her gray head to him and withdrew into the kitchen. Billy Buck sat down on the steps, because he was a cow-hand, and it wouldn't be fitting that he should go first into the dining room. He heard Mr. Tiflin in the house, stamping his feet into his boots.

The high jangling note of the triangle put the boy Jody in motion. He was only a little boy, ten years old, with hair like dusty yellow grass and with shy polite gray eyes, and with a mouth that worked when he thought. The triangle picked him up out of sleep. It didn't occur to him to disobey the harsh note. He never had: no one he knew ever had. He brushed the tangled hair out of his eyes and skinned his nightgown off. In a moment he was dressed —blue chambray shirt and overalls. It was late in the summer, so of course there were no shoes to bother with. In the kitchen he waited until his mother got from in front of the sink and went back to the stove. Then he washed himself and brushed back his wet hair with his fingers. His mother turned sharply on him as he left the sink. Jody looked shyly away.

"I've got to cut your hair before long," his mother said. "Breakfast's on the table. Go on in, so Billy can come."

Jody sat at the long table which was

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covered with white oilcloth washed through to the fabric in some places. The fried eggs lay in rows on their platter. Jody took three eggs on his plate and followed with three thick slices of crisp bacon. He carefully scraped a spot of blood from one of the egg yolks.

Billy Buck clumped in. "That won't hurt you," Billy explained. "That's only a sign the rooster leaves."

Jody's tall stern father came in then and Jody knew from the noise on the floor that he was wearing boots, but he looked under the table anyway, to make sure. His father turned off the oil lamp over the table, for plenty of morning light now came through the windows.

Jody did not ask where his father and Billy Buck were riding that day, but he wished he might go along. His father was a disciplinarian. Jody obeyed him in everything without questions of any kind. Now, Carl Tiflin sat down and reached for the egg platter.

"Got the cows ready to go, Billy?" he asked.

"In the lower corral," Billy said. "I could just as well take them in alone."

"Sure you could. But a man needs company. Besides your throat gets pretty dry." Carl Tiflin was jovial this morning.

Jody's mother put her head in the door. "What time do you think to be back, Carl?"

"I can't tell. I've got to see some men in Salinas. Might be gone till dark."

The eggs and coffee and big biscuits disappeared rapidly. Jody followed the two men out of the house. He watched them mount their horses and drive six old milk cows out of the corral and start over the hill toward Salinas. They were going to sell the old cows to the butcher.

When they had disappeared over the crown of the ridge Jody walked up the hill in back of the house. The dogs trotted around the house corner hunching their shoulders and grinning horribly with pleasure. Jody patted their heads—Doubletree Mutt with the big thick tail and yellow eyes, and Smasher the shepherd, who had killed a coyote and lost an ear in doing it. Smasher's one good ear stood up higher than a collie's ear should. Billy Buck said that always happened. After the frenzied greeting the dogs lowered their noses to the ground in a businesslike way and went ahead, looking back now and then to make sure that the boy was coming. They walked up through the chicken yard and saw the quail eating with the chickens. Smasher chased the chickens a little to keep in practice in case there should ever be sheep to herd. Jody continued on through the large vegetable patch where the green corn was higher than his head. The cow pumpkins were green and small yet. He went on to the sage-brush line where the cold spring ran out of its pipe and fell into a round wooden tub. He leaned over and drank close to the green mossy wood where the water tasted best. Then he turned and looked back on the ranch, on the low, whitewashed house girded with red geraniums, and on the long bunkhouse by the cypress tree where Billy Buck lived alone. Jody could see the great black kettle under the cypress tree. That was where the pigs were scalded. The sun was coming over the ridge now, glaring on the whitewash of the houses and barns, making the wet grass blaze softly. Behind him, in the tall sage-brush the birds were scampering on the ground, making a great noise among the dry leaves; the squirrels piped shrilly on the side-hills. Jody

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looked along at the farm buildings. He felt an uncertainty in the air, a feeling of change and of loss and of the gain of new and unfamiliar things. Over the hillside two big black buzzards sailed low to the ground and their shadows slipped smoothly and quickly ahead of them. Some animal had died in the vicinity. Jody knew it. It might be a cow or it might be the remains of a rabbit. The buzzards overlooked nothing. Jody hated them as all decent things hate them, but they could not be hurt because they made away with carrion.

After a while the boy sauntered down-hill again. The dogs had long ago given him up and gone into the brush to do things in their own way. Back through the vegetable garden he went, and he paused for a moment to smash a green muskmelon with his heel, but he was not happy about it. It was a bad thing to do, he knew perfectly well. He kicked dirt over the ruined melon to conceal it.

Back at the house his mother bent over his rough hands, inspecting his fingers and nails. It did little good to start him clean to school for too many things could happen on the way. She sighed over the black cracks on his fingers, and then gave him his books and his lunch and started him on the mile walk to school. She noticed that his mouth was working a good deal this morning.

Jody started his journey. He filled his pockets with little pieces of white quartz that lay in the road, and every so often he took a shot at a bird or at some rabbit that had stayed sunning itself in the road too long. At the crossroads over the bridge he met two friends and the three of them walked to school together, making ridiculous strides and being rather silly. School had just opened two weeks before. There was still a spirit of revolt among the pupils.

It was four o'clock in the afternoon when Jody topped the hill and looked down on the ranch again. He looked for the saddle horses, but the corral was empty. His father was not back yet. He went slowly, then, toward the afternoon chores. At the ranch house, he found his mother sitting on the porch, mending socks.

"There's two doughnuts in the kitchen for you," she said. Jody slid to the kitchen, and returned with half of one of the doughnuts already eaten and his mouth full. His mother asked him what he had learned in school that day, but she didn't listen to his doughnut-muffled answer. She interrupted, "Jody, tonight see you fill the wood box clear full. Last night you crossed the sticks and it wasn't only about half full. Lay the sticks flat tonight. And Jody, some of the hens are hiding eggs, or else the dogs are eating them. Look about in the grass and see if you can find any nests."

Jody, still eating, went out and did his chores. He saw the quail come down to eat with the chickens when he threw out the grain. For some reason his father was proud to have them come. He never allowed any shooting near the house for fear the quail might go away.

When the wood box was full, Jody took his twenty-two rifle up to the cold spring at the brush line. He drank again and then aimed the gun at all manner of things, at rocks, at birds on the wing, at the big black pig kettle under the cypress tree, but he didn't shoot for he had no cartridges and wouldn't have

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until he was twelve. If his father had seen him aim the rifle in the direction of the house he would have put the cartridges off another year. Jody remembered this and did not point the rifle down the hill again. Two years was enough to wait for cartridges. Nearly all of his father's presents were given with reservations which hampered their value somewhat. It was good discipline.

The supper waited until dark for his father to return. When at last he came in with Billy Buck, Jody could smell the delicious brandy on their breaths. Inwardly he rejoiced, for his father sometimes talked to him when he smelled of brandy, sometimes even told things he had done in the wild days when he was a boy.

After supper, Jody sat by the fireplace and his shy polite eyes sought the room corners, and he waited for his father to tell what it was he contained, for Jody knew he had news of some sort. But he was disappointed. His father pointed a stern finger at him.

"You'd better go to bed, Jody. I'm going to need you in the morning."

That wasn't so bad. Jody liked to do the things he had to do as long as they weren't routine things. He looked at the floor and his mouth worked out a question before he spoke it. "What are we going to do in the morning, kill a pig?" he asked softly.

"Never you mind. You better get to bed."

When the door was closed behind him, Jody heard his father and Billy Buck chuckling and he knew it was a joke of some kind. And later, when he lay in bed, trying to make words out of the murmurs in the other room, he heard his father protest, "But Ruth, I didn't give much for him."

Jody heard the hoot-owls hunting mice down by the barn, and he heard a fruit tree limb tap-tapping against the house. A cow was lowing when he went to sleep.

WHEN the triangle sounded in the morning, Jody dressed more quickly even than usual. In the kitchen, while he washed his face and combed back his hair, his mother addressed him irritably. "Don't you go out until you get a good breakfast in you."

He went into the dining room and sat at the long white table. He took a steaming hotcake from the platter, arranged two fried eggs on it, covered them with another hotcake and squashed the whole thing with his fork.

His father and Billy Buck came in. Jody knew from the sound on the floor that both of them were wearing flat heeled shoes, but he peered under the table to make sure. His father turned off the oil lamp, for the day had arrived, and he looked stern and disciplinary, but Billy Buck didn't look at Jody at all. He avoided the shy questioning eyes of the boy and soaked a whole piece of toast in his coffee.

Carl Tiflin said crossly, "You come with us after breakfast!"

Jody had trouble with his food then, for he felt a kind of doom in the air. After Billy had tilted his saucer and drained the coffee which had slopped into it, and had wiped his hands on his jeans, the two men stood up from the table and went out into the morning light together, and Jody respectfully followed a little behind them. He tried to keep his mind from running ahead, tried to keep it absolutely motionless.

His mother called, "Carl! Don't you let it keep him from school."

They marched past the cypress, where a singletree hung from a limb

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to butcher the pigs on, and past the black iron kettle, so it was not a pig killing. The sun shone over the hill and threw long, dark shadows of the trees and buildings. They crossed a stubble-field to shortcut to the barn. Jody's father unhooked the door and they went in. They had been walking toward the sun on the way down. The barn was black as night in contrast and warm from the hay and from the beasts. Jody's father moved over toward the one box stall. "Come here!" he ordered. Jody could begin to see things now. He looked into the box stall and then stepped back quickly.

A red pony colt was looking at him out of the stall. Its tense ears were forward and a light of disobedience was in its eyes. Its coat was rough and thick as an airedale's fur and its mane was long and tangled. Jody's throat collapsed in on itself and cut his breath short.

"He needs a good currying," his father said, "and if I ever hear of you not feeding him or leaving his stall dirty, I'll sell him off in a minute."

Jody couldn't bear to look at the pony's eyes any more. He gazed down at his hands for a moment, and he asked very shyly, "Mine?" No one answered him. He put his hand out toward the pony. Its gray nose came close, sniffing loudly, and then the lips drew back and the strong teeth closed on Jody's fingers. The pony shook its head up and down and seemed to laugh with amusement. Jody regarded his bruised fingers. "Well," he said with pride—"Well, I guess he can bite all right." The two men laughed, somewhat in relief. Carl Tiflin went out of the barn and walked up a side-hill to be by himself, for he was embarrassed, but Billy Buck stayed. It was easier to talk to Billy Buck. Jody asked again—"Mine?"

Billy became professional in tone. "Sure! That is, if you look out for him and break him right. I'll show you how. He's just a colt. You can't ride him for some time."

Jody put out his bruised hand again, and this time the red pony let his nose be rubbed. "I ought to have a carrot," Jody said. "Where'd we get him, Billy?"

"Bought him at a sheriff's auction," Billy explained. "A show went broke in Salinas and had debts. The sheriff was selling off their stuff."

The pony stretched out his nose and shook the forelock from his wild eyes. Jody stroked the nose a little. He said softly. "There isn't a—saddle?"

Billy Buck laughed. "I'd forgot. Come along."

In the harness room he lifted down a little saddle of red morocco leather. "It's just a show saddle," Billy Buck said disparagingly. "It isn't practical for the brush, but it was cheap at the sale."

Jody couldn't trust himself to look at the saddle either, and he couldn't speak at all. He brushed the shining red leather with his finger tips, and after a long time he said, "It'll look pretty on him though." He thought of the grandest and prettiest things he knew. "If he hasn't a name already, I think I'll call him Gabilan Mountains," he said.

Billy Buck knew how he felt. "It's a pretty long name. Why don't you just call him Gabilan. That means hawk. That would be a fine name for him." Billy felt glad. "If you will collect tail hair, I might be able to make a hair rope for you some time. You could use it for a hackamore."

Jody wanted to go back to the box

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stall. "Could I lead him to school, do you think—to show the kids?"

But Billy shook his head. "He's not even halter broke yet. We had a time getting him here. Had to almost drag him. You better be starting for school though."

"I'll bring the kids to see him here this afternoon," Jody said.

SIX BOYS came over the hill half an hour early that afternoon, running hard, their heads down, their forearms working, their breath whistling. They swept by the house and cut across the stubble-field to the barn. And then they stood self-consciously before the pony, and then they looked at Jody with eyes in which there was a new admiration and a new respect. Before today Jody had been a boy, dressed in overalls and a blue shirt—quieter than most, even suspected of being a little cowardly. And now he was different. Out of a thousand centuries they drew the ancient admiration of the footman for the horseman. They knew instinctively that a man on a horse is spiritually as well as physically bigger than a man on foot. They knew that Jody had been miraculously lifted out of equality with them, and had been placed over them. Gabilan put his head out of the stall and sniffed them.

"Why'n't you ride him?" the boys cried. "Why'n't you braid his tail with ribbons like in the fair?" "When you going to ride him?"

Jody's courage was up. He too felt the superiority of the horseman. "He's not old enough. Nobody can ride him for a long time. I'm going to train him on the long halter. Billy Buck is going to show me how."

"Well, can't we even lead him around a little?"

"He isn't even halter broke," Jody said. He wanted to be completely alone when he took the pony out the first time. "Come and see the saddle."

They were speechless at the red morocco saddle, completely shocked out of comment. "It isn't much use in the brush," Jody explained. "It'll look pretty on him though. Maybe I'll ride bareback when I go into the brush."

"How you going to rope a cow without a saddle horn?"

"Maybe I'll get another saddle for every day. My father might want me to help him with the stock." He let them feel the red saddle, and showed them the brass chain throat-latch on the bridle and the big brass buttons at each temple where the headstall and brow band crossed. The whole thing was too wonderful. They had to go away after a little while, and each boy, in his mind, searched among his possessions for a bribe worthy of offering in return for a ride on the red pony when the time should come.

Jody was glad when they had gone. He took brush and currycomb from the wall, took down the barrier of the box stall and stepped cautiously in. The pony's eyes glittered, and he edged around into kicking position. But Jody touched him on the shoulder and rubbed his high arched neck as he had always seen Billy Buck do, and he crooned, "So-o-o Boy," in a deep voice. The pony gradually relaxed his tenseness. Jody curried and brushed until a pile of dead hair lay in the stall and until the pony's coat had taken on a deep red shine. Each time he finished he thought it might have been done better. He braided the mane into a dozen little pigtails, and he braided the forelock, and then he undid them and brushed the hair out straight again.

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Jody did not hear his mother enter the barn. She was angry when she came, but when she looked in at the pony and at Jody working over him, she felt a curious pride rise up in her. "Have you forgot the wood box?" she asked gently. "It's not far off from dark and there's not a stick of wood in the house, and the chickens aren't fed."

Jody quickly put up his tools. "I forgot, ma'am."

"Well, after this do your chores first. Then you won't forget. I expect you'll forget lots of things now if I don't keep an eye on you."

"Can I have carrots from the garden for him, ma'am?"

She had to think about that. "Oh—I guess so, if you only take the big tough ones."

"Carrots keep the coat good," he said, and again she felt the curious rush of pride.

Jody never waited for the triangle to get him out of bed after the coming of the pony. It became his habit to creep out of bed even before his mother was awake, to slip into his clothes and to go quietly down to the barn to see Gabilan. In the gray quiet mornings when the land and the brush and the houses and the trees were silver-gray and black like a photograph negative, he stole toward the barn, past the sleeping stones and the sleeping cypress tree. The turkeys, roosting in the tree out of coyotes' reach, clicked drowsily. The fields glowed with a gray frost-like light and in the dew the tracks of rabbits and of field mice stood out sharply. The good dogs came stiffly out of their little houses, hackles up and deep growls in their throats. Then they caught Jody's scent, and their stiff tails rose up and waved a greeting—Doubletree Mutt with the big thick tail, and Smasher, the incipient shepherd—then went lazily back to their warm beds.

It was a strange time and a mysterious journey, to Jody—an extension of a dream. When he first had the pony he liked to torture himself during the trip by thinking Gabilan would not be in his stall, and worse, would never have been there. And he had other delicious little self-induced pains. He thought how the rats had gnawed ragged holes in the red saddle, and how the mice had nibbled Gabilan's tail until it was stringy and thin. He usually ran the last little way to the barn. He unlatched the rusty hasp of the barn door and stepped in, and no matter how quietly he opened the door, Gabilan was always looking at him over the barrier of the box stall and Gabilan whinnied softly and stamped his front foot, and his eyes had big sparks of red fire in them like oak wood embers.

Sometimes, if the work horses were to be used that day, Jody found Billy Buck in the barn harnessing and currying. Billy stood with him and looked long at Gabilan and he told Jody a great many things about horses. He explained that they were terribly afraid for their feet, so that one must make a practice of lifting the legs and patting the hooves and ankles to remove their terror. He told Jody how horses love conversation. He must talk to the pony all the time, and tell him the reasons for everything. Billy wasn't sure a horse could understand everything that was said to him, but it was impossible to say how much was understood. A horse never kicked up a fuss if some one he liked explained things to him. Billy could give examples, too. He had known, for instance, a horse nearly dead beat with fatigue to perk up when told

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it was only a little farther to his destination. And he had known a horse paralyzed with fright to come out of it when his rider told him what it was that was frightening him. While he talked in the mornings, Billy Buck cut twenty or thirty straws into neat three inch lengths and stuck them into his hat band. Then during the whole day, if he wanted to pick his teeth or merely to chew on something, he had only to reach up for one of them.

Jody listened carefully, for he knew and the whole country knew that Billy Buck was a fine hand with horses. Billy's own horse was a stringy cayuse with a hammer head, but he nearly always won the first prizes at the stock trials. Billy could rope a steer, take a double half-hitch about the horn with his riata and dismount, and his horse would play the steer as an angler plays a fish, keeping a tight rope until the steer was down or beaten.

Every morning, after Jody had curried and brushed the pony, he let down the barrier of the stall, and Gabilan thrust past him and raced down the barn and into the corral. Around and around he galloped, and sometimes he jumped forward and landed on stiff legs. He stood quivering, stiff ears forward, eyes rolling so that the whites showed, pretending to be frightened. At last he walked snorting to the water trough and buried his nose in the water up to the nostrils. Jody was proud then, for he knew that was the way to judge a horse. Poor horses only touched their lips to the water, but a fine spirited beast put his whole nose and mouth under, and only left room to breathe.

Then Jody stood and watched the pony, and he saw things he had never noticed about any other horse, the sleek sliding flank muscles and the cords of the buttocks, which flexed like a closing fist, and the shine the sun put on the red coat. Having seen horses all his life, Jody had never looked at them very closely before. But now he noticed the moving ears which gave expression and even inflection of expression to the face. The pony talked with his ears. You could tell exactly how he felt about everything by the way his ears pointed. Sometimes they were stiff and upright and sometimes lax and sagging. They went back when he was angry or fearful, and forward when he was anxious and curious and pleased; and their exact position indicated which emotion he had.

Billy Buck kept his word. In the early fall the training began. First there was the halter breaking, and that was the hardest because it was the first thing. Jody held a carrot and coaxed and promised and pulled on the rope. The pony set his feet like a burro when he felt the strain. But before long he learned. Jody walked all over the ranch leading him. Gradually he took to dropping the rope until the pony followed him unled wherever he went.

And then came the training on the long halter. That was slower work. Jody stood in the middle of a circle, holding the long halter. He clucked with his tongue and the pony started to walk in a big circle, held in by the long rope. He clucked again to make the pony trot, and again to make him gallop. Around and around Gabilan went thundering and enjoying it immensely. Then he called "Whoa," and the pony stopped. It was not long until Gabilan was perfect at it. But in many ways he was a bad pony. He bit Jody in the pants and stomped on Jody's feet. Now and then his ears went back and he aimed a tremendous kick at the boy.

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Every time he did one of these bad things, Gabilan settled back and seemed to laugh to himself.

Billy Buck worked at the hair rope in the evenings before the fireplace. Jody collected tail hair in a bag, and he sat and watched Billy slowly constructing the rope, twisting a few hairs to make a string and rolling two strings together for a cord, and then braiding a number of cords to make the rope. Billy rolled the finished rope on the floor under his foot to make it round and hard.

The long halter work rapidly approached perfection. Jody's father, watching the pony stop and start and trot and gallop, was a little bothered by it.

"He's getting to be almost a trick pony," he complained. "I don't like trick horses. It takes all the—dignity out of a horse to make him do tricks. Why, a trick horse is kind of like an actor—no dignity, no character of his own." And his father said, "I guess you better be getting him used to the saddle pretty soon."

Jody rushed for the harness room. For some time he had been riding the saddle on a sawhorse. He changed the stirrup length over and over, and could never get it just right. Sometimes, mounted on the sawhorse in the harness room, with collars and hames and tugs hung all about him, Jody rode out beyond the room. He carried his rifle across the pommel. He saw the fields go flying by, and he heard the beat of the galloping hoofs.

IT WAS a ticklish job, saddling the pony the first time. Gabilan hunched and reared and threw the saddle off before the cinch could be tightened. It had to be replaced again and again until at last the pony let it stay. And the cinching was difficult, too. Day by day Jody tightened the girth a little more until at last the pony didn't mind the saddle at all.

Then there was the bridle. Billy explained how to use a stick of licorice for a bit until Gabilan was used to having something in his mouth. Billy explained, "Of course we could force-break him to everything, but he wouldn't be as good a horse if we did. He'd always be a little bit afraid, and he wouldn't mind because he wanted to."

The first time the pony wore the bridle he whipped his head about and worked his tongue against the bit until the blood oozed from the corners of his mouth. He tried to rub the headstall off on the manger. His ears pivoted about and his eyes turned red with fear and with general rambunctiousness. Jody rejoiced, for he knew that only a mean-souled horse does not resent training.

And Jody trembled when he thought of the time when he would first sit in the saddle. The pony would probably throw him off. There was no disgrace in that. The disgrace would come if he did not get right up and mount again. Sometimes he dreamed that he lay in the dirt and cried and couldn't make himself mount again. The shame of the dream lasted until the middle of the day.

Gabilan was growing fast. Already he had lost the long-leggedness of the colt; his mane was getting longer and blacker. Under the constant currying and brushing his coat lay as smooth and gleaming as orange-red lacquer. Jody oiled the hoofs and kept them carefully trimmed so they would not crack.

The hair rope was nearly finished. Jody's father gave him an old pair of

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spurs and bent in the side bars and cut down the strap and took up the chainlets until they fitted. And then one day Carl Tiflin said:

"The pony's growing faster than I thought. I guess you can ride him by Thanksgiving. Think you can stick on?"

"I don't know," Jody said shyly. Thanksgiving was only three weeks off. He hoped it wouldn't rain, for rain would spot the red saddle.

Gabilan knew and liked Jody by now. He nickered when Jody came across the stubble-field, and in the pasture he came running when his master whistled for him. There was always a carrot for him every time.

Billy Buck gave him riding instructions over and over. "Now when you get up there, just grab tight with your knees and keep your hands away from the saddle, and if you get throwed, don't let that stop you. No matter how good a man is, there's always some horse can pitch him. You just climb up again before he gets to feeling smart about it. Pretty soon, he won't throw you no more, and pretty soon he *can't* throw you no more. That's the way to do it."

"I hope it don't rain before," Jody said.

"Why not? Don't want to get throwed in the mud?"

That was partly it, and also he was afraid that in the flurry of bucking Gabilan might slip and fall on him and break his leg or his hip. He had seen that happen to men before, had seen how they writhed on the ground like squashed bugs, and he was afraid of it.

He practised on the sawhorse how he would hold the reins in his left hand and a hat in his right hand. If he kept his hands thus busy, he couldn't grab the horn if he felt himself going off. He didn't like to think of what would happen if he did grab the horn. Perhaps his father and Billy Buck would never speak to him again, they would be so ashamed. The news would get about and his mother would be ashamed too. And in the school yard—it was too awful to contemplate.

He began putting his weight in a stirrup when Gabilan was saddled, but he didn't throw his leg over the pony's back. That was forbidden until Thanksgiving.

Every afternoon he put the red saddle on the pony and cinched it tight. The pony was learning already to fill his stomach out unnaturally large while the cinching was going on, and then to let it down when the straps were fixed. Sometimes Jody led him up to the brush line and let him drink from the round green tub, and sometimes he led him up through the stubble-field to the hilltop from which it was possible to see the white town of Salinas and the geometric fields of the great valley, and the oak trees clipped by the sheep. Now and then they broke through the brush and came to little cleared circles so hedged in that the world was gone and only the sky and the circle of brush were left from the old life. Gabilan liked these trips and showed it by keeping his head very high and by quivering his nostrils with interest. When the two came back from an expedition they smelled of the sweet sage they had forced through.

TIME dragged on toward Thanksgiving, but winter came fast. The clouds swept down and hung all day over the land and brushed the hilltops, and the winds blew shrilly at night. All day the dry oak leaves drifted

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down from the trees until they covered the ground, and yet the trees were unchanged.

Jody had wished it might not rain before Thanksgiving, but it did. The brown earth turned dark and the trees glistened. The cut ends of the stubble turned black with mildew; the haystacks grayed from exposure to the damp, and on the roofs the moss, which had been all summer as gray as lizards, turned a brilliant yellow-green. During the week of rain, Jody kept the pony in the box stall out of the dampness, except for a little time after school when he took him out for exercise and to drink at the water trough in the upper corral. Not once did Gabilan get wet.

The wet weather continued until little new grass appeared. Jody walked to school dressed in a slicker and short rubber boots. At length one morning the sun came out brightly. Jody, at his work in the box stall, said to Billy Buck, "Maybe I'll leave Gabilan in the corral when I go to school today."

"Be good for him to be out in the sun," Billy assured him. "No animal likes to be cooped up too long. Your father and me are going back on the hill to clean the leaves out of the spring." Billy nodded and picked his teeth with one of his little straws.

"If the rain comes, though—" Jody suggested.

"Not likely to rain today. She's rained herself out." Billy pulled up his sleeves and snapped his arm bands. "If it comes on to rain—why a little rain don't hurt a horse."

"Well, if it does come on to rain, you put him in, will you, Billy? I'm scared he might get cold so I couldn't ride him when the time comes."

"Oh sure! I'll watch out for him if we get back in time. But it won't rain today."

And so Jody, when he went to school, left Gabilan standing out in the corral.

Billy Buck wasn't wrong about many things. He couldn't be. But he was wrong about the weather that day, for a little after noon the clouds pushed over the hills and the rain began to pour down. Jody heard it start on the school house roof. He considered holding up one finger for permission to go to the out-house and, once outside, running for home to put the pony in. Punishment would be prompt both at school and at home. He gave it up and took ease from Billy's assurance that rain couldn't hurt a horse. When school was finally out, he hurried home through the dark rain. The banks at the sides of the road spouted little jets of muddy water. The rain slanted and swirled under a cold and gusty wind. Jody dog-trotted home, slopping through the gravelly mud of the road.

From the top of the ridge he could see Gabilan standing miserably in the corral. The red coat was almost black, and streaked with water. He stood head down with his rump to the rain and wind. Jody arrived running and threw open the barn door and led the wet pony in by his forelock. Then he found a gunny sack and rubbed the soaked hair and rubbed the legs and ankles. Gabilan stood patiently, but he trembled in gusts like the wind.

When he had dried the pony as well as he could, Jody went up to the house and brought hot water down to the barn and soaked the grain in it. Gabilan was not very hungry. He nibbled at the hot mash, but he was not very much interested in it, and he still shivered now and then. A little steam rose from his damp back.

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It was almost dark when Billy Buck and Carl Tiflin came home. "When the rain started we put up at Ben Herche's place, and the rain never let up all afternoon," Carl Tiflin explained. Jody looked reproachfully at Billy Buck and Billy felt guilty.

"You said it wouldn't rain," Jody accused him.

Billy looked away. "It's hard to tell, this time of year," he said, but his excuse was lame. He had no right to be fallible, and he knew it.

"The pony got wet, got soaked through."

"Did you dry him off?"

"I rubbed him with a sack and I gave him hot grain."

Billy nodded in agreement.

"Do you think he'll take cold, Billy?"

"A little rain never hurt anything," Billy assured him.

Jody's father joined the conversation then and lectured the boy a little. "A horse," he said, "isn't any lap-dog kind of thing." Carl Tiflin hated weakness and sickness, and he held a violent contempt for helplessness.

Jody's mother put a platter of steaks on the table and boiled potatoes and boiled squash which clouded the room with their steam. They sat down to eat. Carl Tiflin still grumbled about weakness put into animals and men by too much coddling.

Billy Buck felt bad about his mistake. "Did you blanket him?" he asked.

"No. I couldn't find any blanket. I laid some sacks over his back."

"We'll go down and cover him up after we eat then." Billy felt better about it then. When Jody's father had gone in to the fire and his mother was washing dishes, Billy found and lighted a lantern. He and Jody walked through the mud to the barn. The barn was dark and warm and sweet. The horses still munched their evening hay. "You hold the lantern!" Billy ordered. And he felt the pony's legs and tested the heat of the flanks. He put his cheek against the pony's gray muzzle and then he rolled up the eyelids to look at the eyeballs and he lifted the lips to see the gums, and he put his fingers inside the ears. "He don't seem so chipper," Billy said. "I'll give him a rub-down."

Then Billy found a sack and rubbed the pony's legs violently and he rubbed the chest and the withers. Gabilan was strangely spiritless. He submitted patiently to the rubbing. At last Billy brought an old cotton comforter from the saddle room, and threw it over the pony's back and tied it at neck and chest with string.

"Now he'll be all right in the morning," Billy said.

Jody's mother looked up when he got back to the house. "You're late up from bed," she said. She held his chin in her hard hand and brushed the tangled hair out of his eyes and she said, "Don't worry about the pony. He'll be all right. Billy's as good as any horse doctor in the country."

Jody hadn't known she could see his worry. He pulled gently away from her and knelt down in front of the fireplace until it burned his stomach. He scorched himself through and then went in to bed, but it was a hard thing to go to sleep. He awakened after what seemed a long time. The room was dark but there was a grayness in the window like that which precedes the dawn. He got up and found his overalls and searched for the legs, and then the clock in the other room struck two. He laid his clothes down and got back into bed. It

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was broad daylight when he awakened again. For the first time he had slept through the ringing of the triangle. He leaped up, flung on his clothes and went out of the door still buttoning his shirt. His mother looked after him for a moment and then went quietly back to her work. Her eyes were brooding and kind. Now and then her mouth smiled a little but without changing her eyes at all.

Jody ran on toward the barn. Half way there he heard the sound he dreaded, the hollow rasping cough of a horse. He broke into a sprint then. In the barn he found Billy Buck with the pony. Billy was rubbing its legs with his strong thick hands. He looked up and smiled gaily. "He just took a little cold," Billy said. "We'll have him out of it in a couple of days."

Jody looked at the pony's face. The eyes were half closed and the lids thick and dry. In the eye corners a crust of hard mucus stuck. Gabilan's ears hung loosely sideways and his head was low. Jody put out his hand, but the pony did not move close to it. He coughed again and his whole body constricted with the effort. A little stream of thin fluid ran from his nostrils.

Jody looked back at Billy Buck. "He's awful sick, Billy."

"Just a little cold, like I said," Billy insisted. "You go get some breakfast and then go back to school. I'll take care of him."

"But you might have to do something else. You might leave him."

"No, I won't. I won't leave him at all. Tomorrow's Saturday. Then you can stay with him all day." Billy had failed again, and he felt badly about it. He had to cure the pony now.

Jody walked up to the house and took his place listlessly at the table. The eggs and bacon were cold and greasy, but he didn't notice it. He ate his usual amount. He didn't even ask to stay home from school. His mother pushed his hair back when she took his plate. "Billy'll take care of the pony," she assured him.

He moped through the whole day at school. He couldn't answer any questions nor read any words. He couldn't even tell any one the pony was sick, for that might make him sicker. And when school was finally out he started home in dread. He walked slowly and let the other boys leave him. He wished he might continue walking and never arrive at the ranch.

Billy was in the barn, as he had promised, and the pony was worse. His eyes were almost closed now, and his breath whistled shrilly past an obstruction in his nose. A film covered that part of the eyes that was visible at all. It was doubtful whether the pony could see any more. Now and then he snorted, to clear his nose, and by the action seemed to plug it tighter. Jody looked dispiritedly at the pony's coat. The hair lay rough and unkempt and seemed to have lost all of its old lustre. Billy stood quietly beside the stall. Jody hated to ask, but he had to know.

"Billy, is he—is he going to get well?"

Billy put his fingers between the bars under the pony's jaw and felt about. "Feel here," he said and he guided Jody's fingers to a large lump under the jaw. "When that gets bigger, I'll open it up and then he'll get better."

Jody looked quickly away, for he had heard about that lump. "What is it the matter with him?"

Billy didn't want to answer, but he had to. He couldn't be wrong three times. "Strangles," he said shortly, "but don't you worry about that. I'll pull

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him out of it. I've seen them get well when they were worse than Gabilan is. I'm going to steam him now. You can help."

"Yes," Jody said miserably. He followed Billy into the grain room and watched him make the steaming bag ready. It was a long canvas nose bag with straps to go over a horse's ears. Billy filled it one-third full of bran and then he added a couple of handfuls of dried hops. On top of the dry substance he poured a little carbolic acid and a little turpentine. "I'll be mixing it all up while you run to the house for a kettle of boiling water," Billy said.

When Jody came back with the steaming kettle, Billy buckled the straps over Gabilan's head and fitted the bag tightly around his nose. Then through a little hole in the side of the bag he poured the boiling water on the mixture. The pony started away as a cloud of strong steam rose up, but then the soothing fumes crept through his nose and into his lungs, and the sharp steam began to clear out the nasal passages. He breathed loudly. His legs trembled in an ague, and his eyes closed against the biting cloud. Billy poured in more water and kept the steam rising for fifteen minutes. At last he set down the kettle and took the bag from Gabilan's nose. The pony looked better. He breathed freely, and his eyes were open wider than they had been.

"See how good it makes him feel," Billy said. "Now we'll wrap him up in the blanket again. Maybe he'll be nearly well by morning."

"I'll stay with him tonight," Jody suggested.

"No. Don't you do it. I'll bring my blankets down here and put them in the hay. You can stay tomorrow and steam him if he needs it."

The evening was falling when they went to the house for their supper. Jody didn't even realize that some one else had fed the chickens and filled the wood box. He walked up past the house to the dark brush line and took a drink of water from the tub. The spring water was so cold that it stung his mouth and drove a shiver through him. The sky above the hills was still light. He saw a hawk flying so high that it caught the sun on its breast and shone like a spark. Two blackbirds were driving him down the sky, glittering as they attacked their enemy. In the west, the clouds were moving in to rain again.

Jody's father didn't speak at all while the family ate supper, but after Billy Buck had taken his blankets and gone to sleep in the barn, Carl Tiflin built a high fire in the fireplace and told stories. He told about the wild man who ran naked through the country and had a tail and ears like a horse, and he told about the rabbit-cats of Moro Cojo that hopped into the trees for birds. He revived the famous Maxwell brothers who found a vein of gold and hid the traces of it so carefully that they could never find it again.

Jody sat with his chin in his hands; his mouth worked nervously, and his father gradually became aware that he wasn't listening very carefully. "Isn't that funny?" he asked.

Jody laughed politely and said, "Yes, sir." His father was angry and hurt, then. He didn't tell any more stories. After a while, Jody took a lantern and went down to the barn. Billy Buck was asleep in the hay, and, except that his breath rasped a little in his lungs, the pony seemed to be much better. Jody stayed a little while, running his fingers over the red rough coat, and then he took up the lantern and went back to the

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house. When he was in bed, his mother came into the room.

"Have you enough covers on? It's getting winter."

"Yes, ma'am."

"Well, get some rest tonight." She hesitated to go out, stood uncertainly. "The pony will be all right," she said.

Jody was tired. He went to sleep quickly and didn't awaken until dawn. The triangle sounded, and Billy Buck came up from the barn before Jody could get out of the house.

"How is he?" Jody demanded.

Billy always wolfed his breakfast. "Pretty good. I'm going to open that lump this morning. Then he'll be better maybe."

After breakfast, Billy got out his best knife, one with a needle point. He whetted the shining blade a long time on a little carborundum stone. He tried the point and the blade again and again on his calloused thumb-ball, and at last he tried it on his upper lip.

On the way to the barn, Jody noticed how the young grass was up and how the stubble was melting day by day into the new green crop of volunteer. It was a cold sunny morning.

As soon as he saw the pony, Jody knew he was worse. His eyes were closed and sealed shut with dried mucus. His head hung so low that his nose almost touched the straw of his bed. There was a little groan in each breath, a deep-seated, patient groan.

Billy lifted the weak head and made a quick slash with the knife. Jody saw the yellow pus run out. He held up the head while Billy swabbed out the wound with weak carbolic acid salve.

"Now he'll fell better," Billy assured him. "That yellow poison is what makes him sick."

Jody looked unbelieving at Billy Buck. "He's awful sick."

Billy thought a long time what to say. He nearly tossed off a careless assurance, but he saved himself in time. "Yes, he's pretty sick," he said at last. "I've seen worse ones get well. If he doesn't get pneumonia, we'll pull him through. You stay with him. If he gets worse, you can come and get me."

For a long time after Billy went away, Jody stood beside the pony, stroking him behind the ears. The pony didn't flip his head the way he had done when he was well. The groaning in his breathing was becoming more hollow.

Doubletree Mutt looked into the barn, his big tail waving provocatively, and Jody was so incensed at his health that he found a hard black clod on the floor and deliberately threw it. Doubletree Mutt went yelping away to nurse a bruised paw.

In the middle of the morning, Billy Buck came back and made another steam bag. Jody watched to see whether the pony improved this time as he had before. His breathing eased a little, but he did not raise his head.

The Saturday dragged on. Late in the afternoon Jody went to the house and brought his bedding down and made up a place to sleep in the hay. He didn't ask permission. He knew from the way his mother looked at him that she would let him do almost anything. That night he left a lantern burning on a wire over the box stall. Billy had told him to rub the pony's legs every little while.

At nine o'clock the wind sprang up and howled around the barn. And in spite of his worry, Jody grew sleepy. He got into his blankets and went to sleep, but the breathy groans of the pony sounded in his dreams. And in his

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sleep he heard a crashing noise which went on and on until it awakened him. The wind was rushing through the barn. He sprang up and looked down the lane of stalls. The barn door had blown open, and the pony was gone.

He caught the lantern and ran outside into the gale, and he saw Gabilan weakly shambling away into the darkness, head down, legs working slowly and mechanically. When Jody ran up and caught him by the forelock, he allowed himself to be led back and put into his stall. His groans were louder, and a fierce whistling came from his nose. Jody didn't sleep any more then. The hissing of the pony's breath grew louder and sharper.

He was glad when Billy Buck came in at dawn. Billy looked for a time at the pony as though he had never seen him before. He felt the ears and flanks. "Jody," he said, "I've got to do something you won't want to see. You run up to the house for a while."

Jody grabbed him fiercely by the forearm. "You're not going to shoot him?"

Billy patted his hand. "No. I'm going to open a little hole in his windpipe so he can breathe. His nose is filled up. When he gets well, we'll put a little brass button in the hole for him to breathe through."

Jody couldn't have gone away if he had wanted to. It was awful to see the red hide cut, but infinitely more terrible to know it was being cut and not to see it. "I'll stay right here," he said bitterly. "You sure you got to?"

"Yes. I'm sure. If you stay, you can hold his head. If it doesn't make you sick, that is."

The fine knife came out again and was whetted again just as carefully as it had been the first time. Jody held the pony's head up and the throat taut, while Billy felt up and down for the right place. Jody sobbed once as the bright knife point disappeared into the throat. The pony plunged weakly away and then stood still, trembling violently. The blood ran thickly out and up the knife and across Billy's hand and into his shirt sleeve. The sure square hand sawed out a round hole in the flesh, and the breath came bursting out of the hole, throwing a fine spray of blood. With the rush of oxygen, the pony took a sudden strength. He lashed out with his hind feet and tried to rear, but Jody held his head down while Billy mopped the new wound with carbolic salve. It was a good job. The blood stopped flowing and the air puffed out the hole and sucked it in regularly with a little bubbling noise.

The rain brought in by the night wind began to fall on the barn roof. Then the triangle rang for breakfast. "You go up and eat while I wait," Billy said. "We've got to keep this hole from plugging up."

Jody walked slowly out of the barn. He was too dispirited to tell Billy how the barn door had blown open and let the pony out. He emerged into the wet gray morning and sloshed up to the house, taking a perverse pleasure in splashing through all the puddles. His mother fed him and put dry clothes on him. She didn't question him. She seemed to know he couldn't answer questions. But when he was ready to go back to the barn she brought him a pan of steaming meal. "Give him this," she said.

But Jody did not take the pan. He said, "He won't eat anything," and ran out of the house. At the barn, Billy showed him how to fix a ball of cotton

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on a stick, with which to swab out the breathing hole when it became clogged with mucus.

Jody's father walked into the barn and stood with them in front of the stall. At length he turned to the boy. "Hadn't you better come with me? I'm going to drive over the hill." Jody shook his head. "You better come on, out of this," his father insisted.

Billy turned on him angrily. "Let him alone. It's his pony, isn't it?"

Carl Tiflin walked away without saying another word. His feelings were badly hurt.

All morning Jody kept the wound open and the air passing in and out freely. At noon the pony lay wearily down on his side and stretched his nose out.

Billy came back. "If you're going to stay with him tonight, you better take a little nap," he said. Jody went absently out of the barn. The sky had cleared to a hard thin blue. Everywhere the birds were busy with worms that had come to the damp surface of the ground.

Jody walked to the brush line and sat on the edge of the mossy tub. He looked down at the house and at the old bunk house and at the dark cypress tree. The place was familiar, but curiously changed. It wasn't itself any more, but a frame for things that were happening. A cold wind blew out of the east now, signifying that the rain was over for a little while. At his feet Jody could see the little arms of new weeds spreading out over the ground. In the mud about the spring were thousands of quail tracks.

Doubletree Mutt came sideways and embarrassed up through the vegetable patch, and Jody, remembering how he had thrown the clod, put his arm about the dog's neck and kissed him on his wide black nose. Doubletree Mutt sat still, as though he knew some solemn thing was happening. His big tail slapped the ground gravely. Jody pulled a swollen tick out of Mutt's neck and popped it dead between his thumb nails. It was a nasty thing. He washed his hands in the cold spring water.

Except for the steady swish of the wind, the farm was very quiet. Jody knew his mother wouldn't mind if he didn't go in to eat his lunch. After a little while he went slowly back to the barn. Mutt crept into his own little house and whined softly to himself for a long time.

Billy Buck stood up from the box and surrendered the cotton swab. The pony still lay on his side and the wound in his throat bellowsed in and out. When Jody saw how dry and dead the hair looked, he knew at last that there was no hope for the pony. He had seen the dead hair before on dogs and on cows, and it was a sure sign. He sat heavily on the box and let down the barrier of the box stall. For a long time he kept his eyes on the moving wound, and at last he dozed, and the afternoon passed quickly. Just before dark his mother brought a deep dish of stew and left it for him and went away. Jody ate a little of it, and, when it was dark, he set the lantern on the floor by the pony's head so he could watch the wound and keep it open. And he dozed again until the night chill awakened him. The wind was blowing fiercely, bringing the north cold with it. Jody brought a blanket from his bed in the hay and wrapped himself in it. Gabilan's breathing was quiet at last; the hole in his throat moved gently. The owls flew through the hayloft, shrieking and looking for mice. Jody put his head down on his

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hands and slept. In his sleep he was aware that the wind had increased. He heard it slamming about the barn.

It was daylight when he awakened. The barn door had swung open. The pony was gone. He sprang up and ran out into the morning light.

The pony's tracks were plain enough dragging through the frost-like dew on the young grass, tired tracks with little lines between them where the hoofs had dragged. They headed for the brush line halfway up the ridge. Jody broke into a run and followed them. The sun shone on the sharp white quartz that stuck through the ground here and there. As he followed the plain trail, a shadow cut across in front of him. He looked up and saw a high circle of black buzzards, and the slowly revolving circle dropped lower and lower. The solemn birds soon disappeared over the ridge. Jody ran faster then, forced on by panic and rage. The trail entered the brush at last and followed a winding route among the tall sage bushes.

At the top of the ridge Jody was winded. He paused, puffing noisily. The blood pounded in his ears. Then he saw what he was looking for. Below, in one of the little clearings in the brush lay the red pony. In the distance, Jody could see the legs moving slowly and convulsively. And in a circle around him stood the buzzards waiting for the moment of death they know so well.

Jody leaped forward and plunged down the hill. The wet ground muffled his steps and the brush hid him. When he arrived, it was all over. The first buzzard sat on the pony's head and its beak had just risen dripping with dark eye fluid. Jody plunged into the circle like a cat. The black brotherhood arose in a cloud, but the big one on the pony's head was too late. As it hopped along to take off, Jody caught its wing tip and pulled it down. It was nearly as big as he was. The free wing crashed into his face with the force of a club, but he hung on. The claws fastened on his leg and the wing elbows battered his head on either side. Jody groped blindly with his free hand. His fingers found the neck of the struggling bird. The red eyes looked into his face, calm and fearless and fierce; the naked head turned from side to side. Then the beak opened and vomited a stream of putrefied fluid. Jody brought up his knee and fell on the great bird. He held the neck to the ground with one hand while his other hand found a piece of sharp white quartz. The first blow broke the beak sideways and black blood spurted from the twisted, leathery mouth corners. He struck again and missed. The red fearless eyes still looked at him, impersonal and unafraid and detached. He struck again and again, until the buzzard lay still, until its head was a red pulp. He was still beating the dead bird when Billy Buck pulled him off and held him tightly to calm his shaking.

Carl Tiflin wiped the blood from the boy's face with a red bandanna. Jody was limp and quiet now. His father moved the buzzard with his toe. "Jody," he explained, "the buzzard didn't kill the pony. Don't you know that?"

"I know it," Jody said wearily.

It was Billy Buck who was angry. He had lifted Jody in his arms and had turned to carry him home. But he turned back on Carl Tiflin. "'Course he knows it," Billy said furiously, "Jesus Christ! man, can't you see how he'd feel about it?"

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"False *and* Fraudulent"

By T. Swann Harding

As an instigator of eccentric judicial decisions the present Food and Drugs Act approaches some kind of record

Once upon a time there was a remedy for diabetes. It was called Banbar and it contained, as active ingredient, not horse-feathers but horsetail, which is an herb, in case you are interested. The Government contended that horsetail, with a few other common drugs, did not constitute an effective remedy for diabetes and that it should not be so labeled as to encourage victims of the disease to think they could take it, eat about what they wanted to, and trust in Providence. For at that time diabetes was known to be a serious disease, too serious to be treated by self-medication, and insulin, under a doctor's direction, was the material to use as a remedy.

However, the case came to trial and the Government, prosecuting under the Food and Drugs Act, lost. How could it lose when the consensus of medical opinion, as represented by expert testimony at the trial, was all adverse to the remedy? It lost for legal, not for scientific reasons. It lost because it had to show that label claims on medicines are not only "false or misleading" but are actually "false *and* fraudulent," meaning that the manufacturer placed them there with intent to defraud. In this case the judge charged the jury that if they thought the manufacturer sincerely believed the fine testimonials for his remedy written by those who supposed it had cured them, he should be acquitted. The jury, twelve good men and true, so found and the Government lost.

The genius who wrote "false *and* fraudulent" into the present Food and Drugs Act evidently knew what he was about. He prepared a loophole big enough to get thousands of dollars through, and that has been done. For many long years officials in charge of the enforcement of the Food and Drugs Law have been pointing out its weaknesses and asking for revisions. No one heeded their cries, though certain reformers first charged them with criminal negligence, then took up their message and belatedly made it their own. Under the New Deal it became apparent that consumers, as a group, deserved better Government protection. Consequently the revisions long suggested by Food and Drugs Administration officials at last got active, intelligent Administration backing, and a revised bill has been introduced by Senator Copeland that will close the gaping loopholes in the present Act.

The present bill is largely legalistic

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in tone and in effect; the revision is based on broad scientific principles. Consider again that matter of belief. In the case of Banbar the fact that the manufacturer sincerely believed lay testimonials made it impossible for the Government to prove fraud and hence the case was lost. But nearly a year before that, in the case of B. & M., a very ordinary liniment, recommended as an effective treatment for tuberculosis of the lungs and other serious diseases, the Government won a case prepared in precisely similar manner. Why?

Because the judge in this case charged differently. He took the viewpoint that if a man set out to market a remedy for tuberculosis he should be expert on the subject. He should be informed about medical opinion on the matter. However, in the trial all the prominent medical specialists testified that his liniment could not possibly be an effective remedy for the conditions in which he recommended its use. Since this was true and since the consensus of expert medical opinion was available to the manufacturer when he caused the labels to be affixed to the product, he must have known they were false when he affixed them. This was fraud. The jury so found and the Government won.

The Government won what? you ask, and rightly. It won the right to destroy some thousands of dollars' worth of the misbranded liniment. It won the right to demand that the labels printed for the liniment in future and the printed matter sold as part of the package be free from false therapeutic claims. That was all. The manufacturers of the remedy immediately got in touch with their customers by advertising in the leading drug and popular journals, new labels were printed, a legal advertising booklet was used, and sales went on as before. Two points should be noted here. The first is that the Government can, under the present law, win one case and lose another when, scientifically, its contentions are as correct in the one case as in the other. The second is that legalistic and not scientific issues are paramount.

Indeed it may truthfully be said that the final test of court action is based not upon chemical, scientific, or technical accuracy even in a label, but rather upon its generally understood significance as a whole to lay persons of ordinary intelligence, familiar with the product and with the English language. What the public needed in the two cases cited was protection from the free advertisement and sale of a remedy which, according to the consensus of medical opinion, could not do what was claimed for it. That issue was lost sight of in a fog of legality.

Take the case of a remedy called Lee's "Save the Baby." It bore on its label such statements as "Save the Baby," "For Croup," "For Sore Throat," "For Coughs," "Used in cases of Grippe, Bronchitis, Laryngitis, Tonsilitis, Pneumonia, etc." The Government lost its case. The court held that "Save the Baby" was a distinctive trade name, not a descriptive name; that the ingredients could have some curative or therapeutic effect in the treatment or mitigation of the diseases mentioned; and that no statement was made on the label or in the printed matter sold with the package that could be construed as false *and* fraudulent. The sale went on. Legally one may agree that the court was right.

But this point was lost sight of: how much faith would such labeling and such claims generate in the average mother? If awakened in the night by a

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child ill of some of the conditions mentioned, would she, or would she not, if familiar with this remedy, decide she could save her baby easily enough by using it, and thus fail to call a doctor when the need was urgent? It is true that one of the Government's medical experts testified that a preparation containing Canada balsam and volatile oils in a fatty base, as did this one, might be used as a soothing but not a curative treatment in the conditions indicated. This evidence was cited by the court as persuasive, but the patients were then under the care of a physician. The question whether such a remedy should be freely sold and advertised in the terms indicated remained undecided.

MEDICAL testimony in a court case takes curious turns anyway. An acid preparation for the treatment of colds and bronchitis was on trial. A high-priced Government expert under examination admitted with true scientific detachment—and when skilfully questioned—that the stuff would quite certainly kill some germs if it came in contact with them. The case would have been lost except for the further testimony of a country doctor who, when asked whether the product was an effective germ-killing remedy, heartily replied, "Hell no; what's the use of pouring a tumbler of water on the doorstep when the house is burning down?"

When it comes to sincerity of belief what could be done about, say, some native Chinese remedy widely sold in this country but, according to our doctors, wholly ineffective? It is a mess of herbs so complex that they are difficult indeed to identify even after long months of effort. However, the Chinese manufacturer declares heartily that he believes in its efficacy. In his ardor he points out that the Chinese toad, used in their medicine three or four hundred years, actually contained epinephrin and hence even Western doctors now admit its efficacy. This is all somewhat irrelevant, but impressive. In 1596 Pentsao Kang Mu recommended dried Chinese toad for gum hemorrhages and today American dentists inject epinephrin to check hemorrhage, along with the local anesthetic when they extract teeth.

But upon what is the belief in the efficacy of the Chinese herb remedy founded? Chinese medicine differs utterly from ours. It is based on certain philosophical concepts. The principal belief of ancient Chinese medicine was that there were two opposing forces, *yang* and *yin*, positive and negative, active and passive, hot and cold. All bodily functions and organs were classified under these categories. There were also five primary natural elements—metal, wood, water, fire and earth—which must be harmonized, and disease was loss of harmony. Hence, to diagnose, the doctor first decided whether he had to do with a *yang* or a *yin* disease, then which elements were out of proportion. Hot diseases could be cured only by administering *yang* drugs; physical disturbances induced by the action of one of the five elements could only be remedied by medicaments from that group—and so on.

So a Chinese doctor might very sincerely believe in the efficacy of a remedy in a certain condition, whereas our doctors would ridicule the idea. The president of the company making B. & M. external remedy for tuberculosis affirmed under oath that he sincerely believed testimonials he had received saying that his liniment cured a wide variety of serious ills. A man may sin-

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cerely believe that pernicious anemia is caused by little worms in the large intestine and may produce a remedy for killing the worms. Some Chinese doctors seriously believe there is healing power in the excrement of certain animals if voided while the animal is running, not walking, in a certain direction. These beliefs are sincere and officials enforcing the Food and Drugs Act meet them in their work every day.

There are two sets of beliefs to hurdle before the Government can win a case, the beliefs of the manufacturers and of the judges and juries. Take the instance of a product sold under the name Bred Spred. It appeared, for instance, in strawberry flavor, so labeled, with a picture of a strawberry on the label. It passed among wholesalers, retailers and housewives as a strawberry jam, but it contained only twenty-two per cent of fresh fruit, with added sugar, pectin and starch, whereas strawberry or other jams, as mother made them, contain forty-five pounds of fruit to fifty-five of sugar. So the Government prosecuted, contending that this was an imitation jam.

But the Government lost. It lost legally. Scientifically speaking jam should consist of fifty parts of fresh fruit and fifty parts of sugar by volume, if jam were defined, but jam has never been defined legally. Butter has been defined to contain eighty per cent butter fat and the definition is legal. But there is no legal definition of jam. Naturally the judge did not believe that a product, itself undefined, could be imitated. The label said "Bred Spred." The product made no label claim to be jam. It was not misbranded. That it contained fewer strawberries than some other product did not show it to be inferior to jam.

For who called for such a comparison anyway? A product is adulterated under the law if inferior or damaged, or if it contained an added poison in quantities that might render it deleterious to health. But this product is inferior to what? What would you suggest? It is not damaged because no ingredient has lost its strength. It is not harmful. It contains no ingredient deleterious to health. No evidence was presented to show that it was deliberately palmed off to the public as jam, and a grocer's "expert" testimony that such a product was not jam was believed irrelevant. Libel order dismissed!

Another judge went even further in legality. The Pure Food Law says that a product is in violation "if it be an imitation of another article under a distinctive name." That is Section 8. All right; does it mean an imitation of another article, or an imitation of another article under a distinctive name? Does the Section refer to an imitation of another article or to an imitation of another distinctive name? This judge decided it had reference to the latter and, since "Bred Spred" was not an imitation of another distinctive trade name, the product was quite legal.

A somewhat similar argument arose in the case of a product named Germania Herb Tea, only it was carried on out of court. The product began to make people ill. It was found to contain a powerful drug derivative of bella donna. It was also found to be counterfeit, a mere imitation of the real Germania Herb Tea, a reducing remedy composed largely of senna leaves but containing no powerful harmful drug. All right—remove it from the market? Yes, but how? The officials can only act against such a product if they can defend their act successfully in court, should necessity arise.

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This counterfeit drug was dangerous for self-medication. It contained a dangerous and harmful adulterant. But the section of the Food and Drugs Act that deals with added poisons deleterious to health refers to foods, not to drugs, and this counterfeit was decidedly a drug product. How could it be seized then? The label made no false claims. The drug did not have to be declared on the label. However, the article was proven misbranded because it was falsely branded as to the State in which it was manufactured; also it bore a distinctive trade name which was all too close an imitation of the distinctive trade name of another product—indeed it was the very self-same name. Seizure was so justified.

In both these cases, however, the basic consideration was lost sight of. From the standpoint of scientific consumer protection, as well as from that of protecting legitimate business from unscrupulous and unfair competition, the important thing is that consumers should not get an imitation of jam when they think they are getting real jam. In the same way it is important that they are not harmed by a counterfeit drug product hastily made up and containing a drug so powerful and so dangerous potentially as atropin. Those things are, after all, the things which a revised Food and Drugs Act, based squarely on broad scientific principles, would prohibit.

OF COURSE the law itself backed into the Constitution by way of the Commerce Clause. It prohibits neither misbranding, nor adulteration, nor the addition of poisonous ingredients to foods *per se*. It simply denies the facilities of importation and interstate transportation to those who would provide consumers with misbranded or adulterated goods. Contamination of the stream of interstate commerce and not fabricating, misbranding, adulterating, or adding poison, is the violative act. That should always be remembered.

Therefore, the law not only contains jokers, it is based upon what might be called a joker. Under our Constitution, State's rights being what they are, it proved impossible to place a law on the statute books the primary purpose of which was to protect the health and pocketbooks of American citizens from the onslaughts of unscrupulous manufacturers. That scientifically fundamental social end had to be incidental to the major legal purpose of the act which was, augustly, to prevent the pollution of the stream of interstate commerce. This sounds very grand and magnificent, but it opens an enormous loophole at once that it will be very difficult for any revision to stop.

It makes the Food and Drugs Act apply to the shipment and the delivery for shipment, or the receipt in original, unbroken packages of food products in interstate commerce. If an individual State has no food and drug law of its own, practically anything may be manufactured within the borders of the State and sold there; it simply must not pass the State line. The Federal law does, however, apply to shipments of raw materials intended for making a more complex product, yet milk could not be shipped across a State line by a dairy in order to have it pasteurized in the dairy's own plant across the line. On the other hand, since the crime inheres only in interstate shipment, an unscrupulous shipper can, with perfect legality, send products across State boundaries unlabeled and thereafter attach outrageously deceptive labels—

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precisely what happened, indeed, in the case of "Ginger Jake."

For "Ginger Jake" was often made from bootleg alcohol which was thereafter shipped across State lines as a medicinal product and unlabeled. The product contained an economical substitute for part of the extractives of ginger root, which substitute, though cheap, was a dangerous poison causing paralysis. After its shipment across State lines and its arrival in the State where it was to be sold, the adulterated Jamaica ginger was misbranded. But then it came under State rather than under Federal jurisdiction and it proved the devil's own job to apprehend and jail the malefactors. The criminals were finally jailed, but only after long months of the most difficult sleuthing of a type that would scarcely be credited if written up in a detective tale.

It is no more than natural that a law with such notable defects should receive a wide variety of judicial interpretations. It is one thing, for instance, to know that a food or drug is unfit for use and quite another to prove that—to prove it legally, that is. Since 1923 to 1925, when suitable adhesives were developed, the use of arsenic and lead sprays for protecting fruits and fresh vegetables from insects has increased by leaps and bounds. The growers have to have this protection or else they could not raise sufficient fresh fruits and vegetables for our use, but the poison spray residue offers a complex problem.

It is rather difficult to remove, but it can be removed by thorough washing with hydrochloric acid, at least sufficiently to render the product harmless for food. But it is a stupendous job to keep the market free from such products containing too much of these poison chemicals. Shipments have to be apprehended in interstate commerce—what happens within the borders of a single State is legally up to that State. Analysis must be made rapidly and action taken quickly—and lead analyses are at best slow and difficult processes.

But there can be no snap judgments. That is the rub. A committee of eminent poison experts might meet and register it as their opinion that more than twelve one-thousandths of a grain of arsenic per pound of food was dangerous to health, but that decision has no legal status today. What the Food and Drugs officials do must stand the test of court procedure. That means they must always feel able to prove to a jury that so much arsenic or lead found by analytical means in this specific lot of fruit or vegetables might be deleterious to health.

There are many barriers here, including what the judge and jury believe and what expert medical witnesses and toxicologists believe—for all doctors and poison experts are not agreed upon the possibility of danger to health from slow, chronic poisoning due to minute quantities of arsenic or lead spray residues. Especially in fruit-growing States doctors are likely to testify, quite sincerely, that really very considerable quantities of these poisons found on fresh fruits or vegetables are harmless to human health. Leading entomologists, who helped develop these sprays and appreciate their effectiveness in killing bugs, can not imagine why food officials should be agitated over their possible poisonous effects on human beings. Many fruit and vegetable growers will glibly testify that no possible harm could come to consumers even when products contain relatively enormous quantities of arsenic and lead, and will base their testimony on years of experience.

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What would you expect of a jury confronted with such evidence? It is also true that an article of food is legally adulterated if, because of any added poisonous or other deleterious ingredient, it may by any possibility injure the health of the strong or the weak, the old or the young, the well or the sick. It would, therefore, be perfectly easy to convict any food on the market of being adulterated, because minor added ingredients possibly nearly always cause injury to the health of some weak or unusually susceptible soul. But, conversely, the officials must remember that an article of food is not adulterated within the meaning of the Act "if it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health . . . if it can not by any possibility, when the facts are reasonably considered, injure the health of any consumer" even though it contain "a small addition of poisonous or deleterious ingredients." That, distilled from legal obfuscation, means that if the shipper can show that there is no reasonable possibility of injury to health caused by eating the product he shipped, the case is lost, and such cases can be lost with the greatest ease, because many medical and poison experts will testify that rather considerable quantities of added arsenic and lead are not injurious. Today nobody knows what the true consensus of medical opinion is upon the subject and, if such consensus were ascertained, it would have no legal status.

The efforts of a judge sincerely to decide what a law means may go to almost incredible lengths also. In 1925 the Government seized certain shipments of Sky Lark Brand Red Sour pitted Cherries, alleging that the shipment consisted in whole or in part of "a filthy, decomposed, and putrid vegetable substance," and also that "cherry pits had been mixed and packed with the article and had been substituted wholly or in part for pitted cherries." The latter count was also charged to constitute misbranding because the consumer was falsely led to believe that all the cherries were pitted. The case came to trial and the finding was in favor of the Government, but the circumlocutions of an honest and sincere judge in his efforts legally to justify his action were curious indeed.

He could not find the cherries adulterated within the meaning of the Act. To be sure they were wormy, but were they "filthy, decomposed, or putrid," as the Act declared they had to be if violative thereof? Fortunately, previous court decisions had relieved him of the necessity for deciding that fruits were vegetables within the meaning of the Act. Therefore he could assume that cherries constituted vegetable substance. "But they are certainly not decomposed or they would not be in existence as cherries." Were they therefore so "afflicted with rot" as to be unfit for food? Here, indeed, was vegetable substance mixed with animal substance, the worms, but worms are neither filthy nor putrid, if you view them with a worm's eye. They are merely out of place in cherries.

Does the misplacement of worms render the cherries liable under the Food and Drugs Act? The cherries are in cans which contain about 1,000 each. Could any one hope to get 1,000 cherries together without including at least one or two bad ones? "The problem then becomes how many bad ones would give such character to the whole as to condemn the lot?" Indeed what is a "bad" cherry—a cherry bruised in handling,

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one rotted with disease, or one inhabited by a worm? "How many worms would condemn the lot or how many wormless cherries would save it? The only historical guide we know of is that applied by the angel to the cities of Sodom and Gomorrah. We would hesitate to accept this standard because we suspect that the angel knew what the count would disclose before he agreed to abide by it or he would not have been so liberal." Indeed you can not tell a wormy cherry from a good one by mere inspection anyway.

From this discussion he reverted to the fundamental purpose of the Act, which he conceived to be that of assuring the supply of wholesome food to the public. The cherries were not wholesome and should have been seized. The judge therefore found for the Government. His argument may be regarded as ridiculous by the thoughtless, but it is absolutely sound from a legal standpoint. Such basic words as "adulterated," "putrid," "filthy" and "decomposed" have never been precisely and definitely defined for all purposes. The record of this actual case may be found published as Notice of Judgment No. 14,339 of the Food and Drugs Law cases. It exactly illustrates the matter here under discussion.

IT ALSO shows very conclusively the necessity for revision of the Act which will make it less legalistic and more scientific in character. That will be accomplished under the revision in various ways. For one thing foods will be defined by the Secretary of Agriculture and the definitions will have the force and effect of law. If a food is of complex or unusual character and does not come under an established definition it must bear on its label a list of its ingredients in the order of their preponderance by weight. That will end such incipient deceptions as Bred Spred represented.

Whereas the present law covers only added poisonous ingredients that may be deleterious to health, the revision will cover poisons contained by foods, whether they arrived there naturally —as did the arsenic in prawns and clams —or whether added thereto. Furthermore, the consensus of medical and toxicological opinion will be invoked to help the Secretary of Agriculture to decide upon the maximum quantity of any poison that it is safe to have in any food product; this tolerance will have legal status and a food containing more than the tolerated minimum will be illegal *per se*.

In the matter of drugs, and also of cosmetics, not only must the labels be truthful but they, like food package labels, must contain whatever information the Secretary of Agriculture thinks the consumer should have to protect his health and to prevent him from buying an inferior product at a high price. Moreover, drugs and cosmetics must not be dangerous to the user when used as directed on their labels, nor must drugs be offered to the general public for the self-medication of diseases which should be treated only by expert physicians. Even the general advertising of foods, drugs and cosmetics must be truthful also.

Again, it will be unnecessary, under the revised Act, for the Government to prove that a label or advertising statement is false and fraudulent; if it be false and misleading that is enough. The old legal necessity for proving intent to defraud goes by the board. What is important is the consensus of medical opinion and if that decrees that a certain

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reputed remedy is not truly a remedy for the diseases indicated, or that a remedy would be dangerous to use in self-medication if taken as directed on the label, that ends the matter. In short, the broad scientific principle that the health of the consumer must be protected in accord with the best medical opinion of the day replaces the minor legal technicalities as the matter of basic importance.

The onus of responsibility is upon the manufacturer. It is up to him to market a truthfully labeled and advertised product which is wholesome and is not dangerous to health and is also what it purports to be on its label. The onus of responsibility is no longer upon the Government, under the revision, to prove that the article is unwholesome, harmful to health or constitutes an economic fraud or an adulteration. Broad, general principles rule, and that is important.

Today, of course, the decision in one case establishes a legal precedent for future cases, as throughout the world of law generally. But the real decision whether a specific case on trial does or does not subsume under a certain previous case rests largely with judges who arrive at a variety of opinions though all may sincerely believe in their logic. Thus a medical fraud case may be lost today though prepared in precisely similar manner as a previous medical court case which was won two or three years ago in another jurisdiction, and so on.

Under the revised law the decision is not so much a legal as a scientific one. The questions to be decided are specific: Does this food shipment contain more poison than is legally tolerable? Will this remedy harm the consumer if used as directed on the label? Does this drug mixture constitute a rational treatment for tuberculosis according to the consensus of medical opinion? Is this product jam, as jam is legally defined—containing, say, forty-five pounds of fresh fruit to fifty-five of sugar—or is it not? Obviously such a law offers immensely greater consumer protection than the present Act, and it is such a law that we shall soon have—if we want it badly enough to ask for it in no uncertain manner.

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Mist on the Mirror

By Gladys Hasty Carroll

The breath of life is still in rural New England, notwithstanding all its mourners

It is unwise to declare a person dead without very definite evidence. To see him lying still is not enough, he may be asleep. To find his hand cold is not enough; he may have poor circulation. It is customary for certain tests to be made, sometimes among them the old one of holding a mirror before the mouth to determine whether or not breathing continues. The embarrassment of an attendant who has too hastily declared a patient deceased is probably less only than that of the patient himself when he opens his eyes to find his relatives already tacking on their mourning bands.

Rural New England is not dead.

To be sure, she has for some time been so reported. Long ago somebody from New York journeyed through the White Mountains on a vacation trip, saw a telephone wire strung across a field, and returned to his metropolitan fastnesses with the news that the germ of the world had seized the little old lady and there was every chance she would succumb to it. A tender, grieving group who had known this woman in the days of her strength met and sorrowed and went apart to write editorials and poems in praise of her. She had been a fine creature, a sweet creature, a peculiarly interesting and productive creature; we should not know her like again. A little later a sorrowing few drove over the line from New York into Connecticut and found wide cement highways with inns alongside, saw the picturesque old houses taken over by city people, discovered many shining new residences with all modern conveniences and attachments, and found the uglier sections of the country settled by a foreign element. Turning away their eyes, the mourners wept. It was all over. New England had once been a place of fields and woods with villages scattered here and there; men had tilled their land, sober, hard-working men of good English stock; women had kept their houses and borne their young; these had been their lives, quiet, independent, aloof, they a people of tradition, conviction, philosophy, dialect, pride. Now they dwelt in villages if not in cities. Only summer residents lived on the farms. There was a telephone, a bathroom, a radio in every house, an automobile in every barn. All work was done by machinery. Weep, write, send flowers and treasure priceless memories of a bygone day. The old lady was dead.

Such old ladies are, however, extraor-

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dinarily difficult to kill. In this case life is far from extinct. There is not only mist on the mirror, but a steady pounding in the pulse, good color in the cheeks and vitality in every muscle. The attendants, and they are many, have made a mistake which can not be accounted for except by the possibility that they have based all their conclusions upon Connecticut. No old lady should be judged solely by what the hem of her skirt has picked up as she passed down the years.

Maine is still isolated, local, rural, New England. So are New Hampshire, Vermont and western Massachusetts. For the rest of the little Northeast family I can not vouch, but these I know at present, did know twenty years ago, and have known by hearsay through many generations. And the degree to which the country people, their speech, their ideas, their modes of living, have been affected by their increasing ease of contact with the outside world is incredibly small, perhaps partly because contact is not so easy, after all, as a casual observer might suppose.

THE three-ply cement highway by which the tourist motors from Boston to Portland is no doubt a factor in the development and change of the few towns it touches, and of the occasional farming family which increases a small annual income by keeping a roadside stand and overnight guests. But Portland is not far into Maine, and even along that white highway, every mile or so, a narrower road wanders off to the left, some of them oiled for a brief distance before they become rocky, grassy, or hub-deep in sand, others frankly country roads at the outset. Alongside these avenues so unappealing to the motorist old men and women are finishing their lives, young people are working and marrying, children are being born. Not one family only but dozens, and at some four-corners, at the end of a lane, beside a river, each road joins one or two or three other roads, every one of which has its share of taxpayers. The southern part of Maine is honeycombed with these tortuous trails, until it is the vain ambition of the native to have ridden over them all before he dies, to know where this one "strikes York Road," or that one "comes out." It is a characteristic of the inhabitants of these little Maine neighborhoods that they have far less desire to reach the main traffic lines, there to absorb offshoots of metropolitan culture and sparkle. Even though the cars they own, if any, might be capable of covering the intervening distance of ten or fifteen miles, they do not care to put them to such strain for nothing more than the thrill of being frightened. For they admit to fear of speed and numbers.

"Never see such goin' of it in your life," one says, a trim fellow of sixty-odd, sitting on his neighbor's step in early morning sunshine, his checked shirt fresh, his galluses tight, his waistcoat buttoned, a flower in his hat band. "I landed down there last Sunday about eleven o'clock in the morning, tryin' to get over to Gust's for a while. Hadn't seen him for two years and he works on the yard so he's only to home on Sundays, but I shan't try it again. I told Gust when I got up to his door, I said to him, I said, 'Gust, I wouldn't live this near to that beach road if it was the only place on earth. I set there on the other side for twenty-five minutes by my watch before I could get acrost it, them things comin' at me,

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three strings, goin' as if they was all drunk and crazy.' I told Gust, I said, 'When I did light in, I didn't have any more idea of gettin' here whole than I had of goin' to heaven, but I said to myself, I said, "I've set here long enough and I'm goin' through,"' and I went, but I bet there was as many as six of them buggars scattered in all directions."

These little roads which only the natives use receive no support from the State, and New England country towns are careful in their spending. In spring and fall the bottom drops out of marshy stretches, clay sucks at wheels like a monstrous leech and water rises in rivers and brooks to cover low land and wash away bridges. In summer the sand is deep, dust is thick and everybody is busy; in the only season when automobiles are practical there is no time for play. Many New England farmfolk own no car, and most of those to be found are well worn and constantly undergoing repairs. The automobile is still a subject for good-natured ridicule in sparsely settled communities. "They may be all right," one man said, "but they do fool things." In winter hundreds of families are as completely marooned in their kitchens as were those of Whittier's time. For days, along a road I know, children can not pass to school, a doctor is not to be expected whatever the emergency and mail does not come. The town owns and operates a snow plow but its sphere of usefulness is largely confined to the village streets and the few main thoroughfares.

"Why don't they send the plow up through Kilgore?" some one asks. The farmer chuckles, sitting astride a tub, shelling corn. "Maybe they will," he says, "when they've been the rest of the way around. Course when they do get into Kilgore, they're euchred. That thing set up in there most all last winter broke down. They ain't made nothin' yet can plow out Kilgore but a shovel."

THE radio as a means of bringing rural districts into touch with the world has been vastly overrated. Contrary to popular impression, electricity has not been carried into the country to any considerable extent, and if battery sets are reliable, the farmer, at least, has not found his so. Many women skimped their tables and went without new coats to replace by a radio the phonograph for which they could no longer buy records of a type which pleased them, but the great box with its fan-shaped loudspeaker on top and its dusty, wired cylinders underneath now sits idle in the parlor it was bought to grace.

"Most of the time we couldn't get nothin' over it but an awful racket," men say. "Time I got my newspaper anything I might have wanted to listen to was gone by. And they're awful expensive. Seemed as though I was after something for that thing every time I went to market."

And women, young as well as old, say, "I don't know. Don't seem as if the music they sing now had any tune to it. I never can get much sounds right to me."

Telephones are often found, but far from invariably. The New England community which I know best totals nineteen families, of which nine are listed in the directory, the remaining ten depending upon the courtesy of their neighbors in time of illness, the only occasion necessitating their instant communication with any one at a distance. Those who subscribe to the service are generally the families where

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illness is most common or where old people live alone and their children provide them with this protective device. Not that mouthpieces and receivers, once installed, are not put to enjoyable use; but even as a social instrument they can hardly be said to connect the rural districts with the main arteries of modern life.

"Hello, Mame; that you?" the housewife asks, leaning against the wall of a dark entry when her supper dishes are done. "Well, how are you? . . . That so? Well, we ain't here, either. I don't know. Fred, he's workin' himself about to death trying to get them beans thrashed out; we've got an awful mess of beans this fall; and Agnes she's got a cold onto her so's I ain't dared let her outdoors for two days; and my back is dretful bad again. If I didn't have such awful great washings it seems as if I could get along, but there, I never could stand to see dirt. I don't know. Seems like some can, but I can't. Is Fanny lame now? . . . I say, is Fanny still lame? . . . I say, is *Fanny* LAME?"

The farmer taps his pipe smartly against the front of the stove and says, "You'd better talk about something else, Jess. She ain't goin' to tell you about Fanny and you might as well give it up. Mame's just like Lindbergh—ain't got nothin' to say."

But Jess is going on, "No, I can't understand you very well either. It's most as bad as it was that time Sadie's folks called down here from up to Boston and I couldn't make out who they was nor what they wanted any more than if they'd been talkin' Chinese. I think myself it's folks havin' their receivers down makes all the trouble but I guess there's nothin' can be done about it; they're bound to have their way. I suppose you cooked up somethin' good this mornin. . . . I'll bet that'll taste nice. . . . Yes, that's good, ain't it? Marm used to make that but I never had any luck at it. How many pies did you bake? . . . Will they last you through Sunday? . . . Well, I guess your menfolks don't eat like mine do. I use up one a meal anyway, and sometimes more. . . . Oh, I don't mind baking much. Lucky I don't, I guess. Did you raise a good lot of cabbages? . . . Well, we may buy of you before spring. A lot of ours rotted that wet spell we had. Fred always says Harry's cabbage is the only ones tastes like our own." Silence. Yawns. Both women are tired. "Fred's going to butcher tomorrow. . . . Yes, 'tis a long job, but fresh meat makes a good change. . . . Yes, Fred does have good pork. . . . Oh, how's Ray Lederer; you heard from him? . . . Oh, ain't that awful? . . . Well, I hope he will, but I don't know. . . . My geraniums are every one in bloom, Mame. I wish you could see 'em. . . . Yes, they're handsome. . . . Well, I won't keep you standin' there. You call up sometime, and come over when you can. . . . Yes, I will, and you do the same. Goodbye."

The farmer twinkles up sideways from his pipe and asks, "Is Fanny lame? I *say*, is Fanny lame?" His wife jerks her head and makes a disparaging sound but a new expression has been born and will flourish, not only in this family but among others who will be told the homely joke in the weeks ahead. Whenever a woman lingers too long at the telephone or speaks in too high and insistent a tone on any subject, some indulgent male voice will inquire, "Is Fanny lame? I *say*, is Fanny lame?" There people not only

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live their own lives and think their own thoughts but make their own jokes, of a type suited to their group personality. It may be this ability to produce among themselves whatever they need which has saved them so long from the encroachments of a leveling civilization.

A RECENT popular history of the past generation describes a flail as an instrument used for threshing grain or beans, declaring that one was seen in a New England barn as late as 1916, and concluding, "In the 1880's, however, the large mechanical thresher had come into use as a community institution." If this be true, then the New England I know is still of the 'Seventies, for I saw a thresher for the first time in the State of Michigan after I was well grown up out of a childhood spent on a Maine farm, and flails are to be found in 1933 in dozens of barns I could name. The historian goes on to say that "the 'hay-fork' became common during the eighties." But I saw my first hayfork about 1915 and journeyed to an adjoining town for the experience, nor, now that I think of it, have I ever seen another in the truly rural sections of the Northeast. Hay is still swung from the cart to the mow by the effort of the muscles in a man's arms and back, and a lesser man or a growing boy, sometimes a pair of children, drag it in and spread it smooth under the mows. The air is close up there on hot summer days and the hay harsh to bare feet, swallows dart and squeak, and sometimes a snake from the meadow curls around the prongs of the fork. This pitching on and off is a position, an office, a sign of the place which a man holds among his family. As a very small girl I was accustomed to see my grandfather stoutly perform the rite, my father only making loads and taking away, working from the top as an assistant, as another man's son. But a little later their duties became reversed; it was my father's fork which plunged and swung and grandfather only drew a rake behind the cart, we children doing the rest. I have often wondered with what words or silent understanding the exchange was made, for they were reserved with each other, and it was a matter of moment to them both.

Not long ago a woman of sixty was asked what type of food composed the meals which she had eaten as a child living in northern New Hampshire. Her reply came with some surprise, as if she saw no point to the question. "Why, about the same as we have now," she said, "as near as I can remember. We never went hungry. Some folks didn't have much but mush and milk and salt fish in them times, but we always had our boiled dinners, and fresh fish once a week when the fish peddler come, and baked beans Saturday nights, and fresh pork twice a year when we butchered. Father most always got some corned beef market day. Just about the same as now. Pie at breakfast, cake and pie at noontime, and maybe a pudding and the pie come night."

Woman's work is somewhat easier than it used to be, though not greatly changed. Bread is usually bought nowadays, rarely made, and little or no knitting and quilting is done except as a pastime. But places near enough to the source of supply to have electricity installed are the wonder and the gossip of other neighborhoods. Most women still wash clothes with the simple equipment of tubs on a bench, scrubbing board, hand wringers and copper boiler over a wood fire, and many of them

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bring their water in pails from a well in the yard.

The kitchen remains the centre of rural New England houses, a room in which to cook, eat, wash, iron, sew, feed the kittens, grease the chickens' heads, talk and read. Here is a couch where the mother may drop down to rest her back in the midst of a busy day, hanging shelves where the children keep their toys, the chair under which the farmer leaves his shoes when he goes to bed at night. In the cellarway are kept the medicines for every known indisposition; the woman who feels she must call in a doctor to treat indigestion, colds, croup, cuts, boils, or frazzled nerves is not considered by her neighbors to have much courage. A little ammonia, some skullcap or peppermint, a good stick salve, and the patient will be better in the morning—or when the weather turns warm. Cream is churned by hand in these kitchens, the butter salted and "worked" and molded into squares with an ivy leaf or a sheaf of wheat as a design with which to stamp it. Eggs are counted carefully each week, the largest saved for the best customers; hens are dressed, pork "tried out," sap boiled down and preserving done. To buy modern machinery for all these little businesses would cost far more than they bring in. Just as a hayfork is too expensive and unwieldy a contraption to transfer a horseload of hay to the narrow mow of a Maine barn, and a tractor ill suited to upturning a half acre of hilly, rocky ground in western Massachusetts, so refrigeration, motor-driven churns and washers, meat rooms, sugar houses, and large scale canners are unavailable to lighten the labor indoors. A stove, a table and a woman's hands are equipment enough.

There, then, is the ordinary New England farm home. It is not very old, nor at all pretentious. Most of the houses of Revolutionary memories in the more remote country sections have crumbled into their cellars for lack of hands interested to preserve them. Nor are there many new buildings. The usual New England home has outlasted from fifty to a hundred winters and is a story-and-a-half structure with three rooms downstairs (sitting-room, parlor and back bedroom) and two up, an ell which is the kitchen, an attached shed and at the end of the shed a barn about twice the size of the house. Ordinarily the house and shed are white, clapboarded, and the barn is unpainted, shingled, with red doors, or red frames and white doors. In the barn are two enclosed horse stalls and a long row of stanchions with at one end a pen for calves and at the other a harness closet and heap of sawdust for bedding. The winter wood supply is in the shed, also the toilet, the carpenter's tools, the barrels of chips saved from fencing time, the potato baskets, Paris green cans and pictures of prize-winning racing horses pasted on the walls below hanging crosscut saws and flintlock guns.

In the houses few antiques remain—for the reason that they have been broken beyond repair and replaced by stouter pieces, not because city dealers have profited by the dull wits of sons of the soil. Nothing makes the New England farmer cling to what he has more than learning that some one else wants it. Especially to white shirts and suave voices he is determined to yield nothing. I have known an old woman to cough away her last days in actual want, her only comfort the ten-cent boxes of ice cream a kindly country

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doctor brought her on his rounds, while a Boston attorney persistently offered her a hundred dollars for an applewood chair, a hundred and fifty for a clavichord standing in her barn, two hundred for a barrel of mirrors and pictures and candlesticks. "If they're worth that to him, they're worth it to me," said she, with unanswerable logic, and lived as she was until she died.

In the yard of the usual New England house there is an elm or a row of maples along the driveway. Gnarled apple trees are here and there, with rope swings dangling from their limbs. A flower garden, a woodpile, a mail box, a red pump, a watering trough, a barnyard, a grindstone, a side porch, a front doorstep—these are the immediate landscaping, with pasture pines and alders forming the background.

Forth from such surroundings comes the family of a Sunday on its way to worship. Some country churches have closed their doors of late years, as have their city sisters, but others remain open, active, important, the centres of community life. The Meeting House to which my great-grandfather drove his wife, two soprano-singing daughters and one bass-singing son every Sunday is as useful today as when he knew it. Horses are still hitched under the same rude shelter, while automobiles stand about the yard, and many worshipers come on foot, warm and breathless, entering on tiptoe the clean, bare little room whose windows look out upon thick woods. The Sabbath School attendance numbers anywhere from fifty to seventy, depending upon the weather, and the minister is a full-time servant of his people, occupying a house placed by them at his disposal. The Ladies' Aid holds strawberry festivals, ice cream socials, harvest suppers, and Christmas Eve always finds a laden tree in the vestry. Once a year this church holds conference with others like itself from all over the country.

Nor is the district school relegated to history. Ideas of consolidation and buses which collect children like so much market produce have closed many of them, on the theory that centralized education is cheaper, fewer teachers mean better teachers and the young of the country will profit by association with village or city pupils. Possibly. But something in the nature of a major operation has been performed upon the rural community which sees its school deserted, heroic treatment which the patient himself has not sought. Feeling which drives country children to sit on the steps of a locked schoolhouse each morning for the whole first week of the fall term, refusing to enter the bus which stops for them every day and every day goes on empty, is not to be disregarded; nor is that of their parents who later, vanquished, join together to buy the schoolhouse so that they can be sure it will stand where it has always stood. Any man who has little in his life except his work, his family and his club would be shaken if his club were disorganized, especially if the same club had been an element in his childhood, of his father's and his grandfather's lives, and had just admitted his son to membership with full privileges. But, luckily, many district schools yet remain; if the roads are bad enough, the bus can not traverse them; if the community is large enough, the town officers dare not coerce so many voters. So children still walk from mother to teacher, carrying their dinner pails, leaning over the bridges, listening to creaking oak limbs, finding secret paths through the woods, mailing letters in

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hollow trees, leaving trails of goldenrod behind them; parents still dress up twice a year and go to hear their children repeat poetry and sing, to see the teacher and ask her what she thinks of June and Archie, to visit for a little while with one another. School is an institution in neighborhoods I know, a pride, an assurance, a faith.

THE newcomers of strange inheritance—French, Polish, Armenian, Norwegian—are a complication in the life of the native Yankee. He is troubled by their happy-go-lucky architecture, their sudden, tight little houses with doors and windows scattered helter-skelter over the walls, and the many smaller shacks adjoining. He can not understand why the houses are neither placed on hilltops, to be "sightly," nor cuddled into the sides of hills for warmth; he wishes the Poles had dug their cellar near enough to the elm tree so that its shade would cross their yard, for he can not see that it is of any use out behind the barn; he speculates anxiously as to what the Frenchman thought he was doing when he cut a door three feet above the ground and built no steps to it. But a complication is not a death potion; rather a tonic. Rural New England needs new blood, and lusty foreigners, far better than pale-faced cities, will supply it. Young, strong, ready to work as the first English settlers worked, the French and Polish are clearing virgin land with spade and hoe, not because cleared land is unavailable but because cleared land has been drained of its first strength and they seek fertility. Not content with what has been used over and over —land, houses, customs—they come building their own.

There are natives who fear them, hold them off, resent them, but the majority only watch, wonder, wait. All who are honest admit that French planted pieces are better kept and Polish barns in better order, on the average, than those of inhabitants of longer standing. The log cabins of the first English settlers may not have been beautiful but beauty was in what they represented and in the promise that they held. The wise Yankee farmer does his own work, greets his neighbor civilly, and leaves it to the future to erase the sharp lines which now divide nationalities. Before necessity drew these lines across New England farming districts, the atmospheric effect was softer, gentler, one family blending more easily into another, the whole like an old tapestry, faded but lovely; I remember it so. Now the boundary lines are sharp, a little shocking, red feather stitches on a black and white quilt, but this will change with weathering, and in time we shall have the tapestry again, freshened, vivid, significant. Meanwhile old New England retains its dignity, waiting for the new to attain an age, a state of mind, with which it can speak on equal terms.

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For "Them on the Fence"

By E. Pendleton Herring

An answer to those critics who berate the Democrats and Republicans for not having clearly discernible differences in principle and policy

One result of the war on depression has been a truce in politics. During the crisis the leadership of a man has transcended allegiance to a party. The free coöperation of the Republicans made possible the smooth and speedy enactment of emergency legislation by a Democratic Administration, and it is debatable whether the recent achievements on Capitol Hill can be definitely identified with either political party.

Yet the campaigning in the Congressional elections looming a year hence will be largely a struggle by aroused partisans to assume credit and allot blame for the actions of the present Administration. Before this confusion closes down upon us an examination of our system of party government seems desirable.

What can we expect of our political parties and how can they be evaluated?

It was Will Rogers at the last Democratic convention who noted in his impromptu remarks that even the clergymen had prepared their opening prayers in advance since it was apparently impossible for any one extemporaneously to think up anything that would incline Divine Providence toward the political parties. There has indeed been much dissatisfaction, both spontaneous and studied, with our parties, and though much of it has been well deserved, its effects have not been altogether fortunate. The conviction that political parties are inept and meaningless leads to apathy on the part of the voter and induces much unfounded criticism of Congress. The attitude of "Oh-what's-the-use-parties-don't-mean-anything-anyway" is the result of a general misinterpretation of our party system. Much of this carping and criticizing is due to *a priori* assumptions concerning the nature of parties rather than to their actual shortcomings. The critics are looking through faulty spectacles.

The thesis is here advanced that our political parties, despite their many weaknesses, do answer a definite need and fulfill an essential function.

In this country today the whole ideology of party is still too closely bound to Edmund Burke's definition —the view which regards a political party as a body of men united for promoting by their joint endeavor the national interest upon some particular principle in which they are all agreed.

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If this be our definition of political parties, something is very wrong with our system. The only bodies answering this description are the short-lived and ineffective third parties, fatally dedicated to forwarding limited interests or specific panaceas.

Organizations with a clear purpose upon which all the members agree are numerous in the United States, but they do not function as political parties. André Siegfried found the counterpart of French parties in these national associations and pressure groups of the United States. Our major parties cut across a social matrix made diverse by these group loyalties, and one of their characteristic duties is to hold under the party banner individuals who at the same time acknowledge allegiance to these special-aim organizations.

In such a confusion of wills and interests the party can not be expected to stand forth boldly as the exponent of a consistent programme. How can this view of the complex basis of party be reconciled with its task of aligning opinion into opposing camps—the goal so generally set for the political party? A. Lawrence Lowell states: "The true function of political parties is that of formulating and presenting the alternatives between which the people are to choose." This attitude is implicit in most of the criticism of our party system. But the disapproval is really due to dismay at the murder of a beautiful theory by a gang of brutal facts. Even a cursory examination of social, economic and political factors in this country points to the impossibility of any political party under our system meeting the demands made upon it by this generally accepted theory. This being the case, it is wrong to expect a clear-cut presentation of opposing creeds from our political parties. To borrow Walter Lippmann's metaphor: "It is wrong, just as it is wrong for a fat man to attempt to be a ballet dancer." The ideal is faulty because it is unattainable.

In the first place, the character of the electorate is such that it is cut through and through by a variety of allegiances. This makes the political party but one of many associations competing for the loyalty of the individual. Any party which declared for specific proposals would immediately find itself confronted with many associations opposing or forwarding these doctrines. Sponsoring a multiplicity of interests would lead to unavoidable contradictions. Again, what possible political division could, with any consistency, cut down through national politics, through State problems and even into local affairs? The sectional, the cultural and the racial factors that a national party would encounter in such a process would prove insuperable barriers.

Constitutional and procedural limitations restrict the legislative programme for any party. None, however well intentioned, can through its platform commit itself in advance on problems which have not been adequately investigated, debated or discussed. Lawmaking can not be anticipated by platform-framing. That party platforms are little more than political ballyhoo can no longer be seriously questioned. Perhaps the last word on this subject was that of the Pullman porter who explained to the politician loitering in the car vestibule that platforms were not made to stand on but to get in on. In practice it is impossible to guarantee definite accomplishment of campaign promises and

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usually politically inexpedient to make unequivocal commitments on controversial questions. A survey of the platforms of recent minor parties demonstrates the error of such tactics.

The contention of these parties has been that the old parties "have become the tool of corporate interests which use them impartially to serve their selfish purposes." It is upon these familiar lines that the necessity has been urged for reconstituting our party system so as to align political forces into two clearly distinguished camps. A liberal party has been repeatedly suggested, but with little consideration as to whether a party could be founded upon our cloudy conception of liberalism. The term, devoid of any well defined content, has been used simply as a rallying cry for the malcontents. Can liberalism be institutionalized into a political party? Specific policies, it is true, have been associated together under the ægis of liberalism, but as a consistent philosophy providing a lasting foundation for party it has not yet demonstrated its adequacy.

The arguments in favor of a party realignment in large measure can be reduced to two heads. On the one hand, it is urged that parties should be based upon economic and class distinctions, or, on the other, that they should be founded upon a collection of issues generally denominated as liberal, progressive, popular, socialist and the like. There is implicit in this view a conception of the political party as an organization based upon principles and concerned with policies. But the shifting character of issues is unsuitable as the basis for a continuing party life. Stimuli which evoke a response under one set of circumstances lose their force under another.

As one writer has explained: "Every group is possessed of some common point or points of resemblance, whether it be a physical or social characteristic, a common experience, or a similar state of mind concerning a political question. So long as the stimuli playing upon individuals call attention to this common character, those who possess it will constitute a group in actuality. But no two or more individuals are alike in all things. When the stimuli change so that new points of resemblance among individuals are brought into the centre of social consciousness, there will be a re-grouping of these individuals. The old points of resemblance may still exist, but the old groupings to which they gave rise are no longer actual but only potential."

The organic character of a political party demands more constant and stable foundations. A political party is essentially a corporate entity with a body of members and a hierarchy of officers. It has a will to power and an urge to continue its existence. From this viewpoint the emphasis is not upon the party in its concern with public issues or community problems, but rather with the party as an organization. In a word, the purposive side of party *per se* must be contrasted with the party used as the means to accomplish the purposes of other interests not directly identified with the party itself. Confusing these two views of party befogs clear judgment as to the extent to which the party is accomplishing its ends. There are the factors which affect the party as a party, and there are the many other external purposes with which various interests strive to associate the party. Two aspects of the party become evident. The party can be viewed as an association concerned with

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attaining to office, rewarding its followers, adding to its power and continuing its life; or the party can be regarded as a means through which the underlying interest groups may exploit this machine for forwarding their own affairs. In the first case the concern is not with policy or principle. In the second instance too close an identification with any of these social or economic groups may endanger the party's own existence.

IF THE organization is to survive it must attract the loyalty of members and hold them. If the party is accepted as a useful and responsible agency of government, allegiance to the organization as such is demanded. The sponsorship of particular measures as a means of holding the membership and of winning support is not enough. Allegiance must be based upon a general recognition of the usefulness of the party as an association with a valid and independent purpose of its own. The party machine has a place under our system. The abuses to which parties are prone are defects characteristic of any organization.

"Bossism" results when the party in a locality includes too few of the electorate and when the leaders are not held directly answerable for their actions by an alert and interested party membership. Bosses are generally found in the *opposite* party. To condemn the political party in its entirety because of certain inherent defects means likewise scrapping its great potentialities for good. We can not thus afford to throw out the baby with the bath water.

In a word, our party system had better be tested not by traditional theoretical assumptions but rather in terms of its political environment in the United States. Does it meet the demands made by this environment? A tendency still persists to judge parties without a full consideration of the delimiting factors which surround them. Over thirty years ago A. T. Hadley wrote: "We see parties primarily arranged, not to promote certain measures of legislation, but to do the work of government. The party machine as an administrative body becomes the main thing; the legislative measures with which it is identified are only an incident. I believe this to have been the usual condition in the United States, especially in recent years. . . . Under ordinary circumstances the work of persuading the executive and legislature to work in harmony with each other under the somewhat strained conditions presented by the United States Constitution seems more important than the passing of any particular measure, and that side of the party organization naturally comes to the front."

Nevertheless, critics continue to insist that our parties "stand for something" and by that *something* is meant either a definite legislative programme or a particular set of principles. But can not our party system be judged in close relationship to its peculiar political setting?

The chief function of party in this country is not to accentuate differences but rather to ignore them. Paradoxically enough our party system is to the baneful spirit of faction the strongest antidote. The interlacings of interest that make up the crazy-quilt of our industrial community introduce so many variations in the social pattern that the major party cleavages serve to introduce order and simplicity. The division into two sides, if arbitrary and largely

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artificial, at least makes for order and agreement. Both parties seeking a wide support must necessarily appeal to the large moderate middle group and this unavoidably makes for sameness. One can not bemoan the fact that the result means an absence of partisan bitterness and no great revulsion of policy when one party succeeds the other in power.

National issues should be the last test to use for parties in this country, since the sectional allegiances practically assuring to the parties control of certain regions require that they both turn to the doubtful States, and the well known phrase of James Russell Lowell's can be very well applied:

> Every fool knows that a man represents
> Not the fellers that sent him but them on the fence.

The fact that both sides must appeal to the same doubtful group tends to neutralize the distinctive elements in either party. Any appeal likely to prove convincing is made. The paradox is carried further when it is remembered that the seniority rule in Congress operates to place authority in the hands of the veteran legislators rather than with those freshly returned with a mandate from the people of their district.

In a word, the desirability of testing our party system in terms of the distinctive stand of parties with regard to issues may well be questioned. This is far from admitting the failure of party government and urging the substitution of parties that may stand more clearly for a definite programme. Since there are, strictly speaking, no national party organizations in this country, but rather confederations of State organizations loosely joined under national committees for guidance in campaign strategy, there can be little concerted control from a single headquarters. Parties must hold themselves together as organizations before they can turn to other matters.

Our present system does not mean the negation of politics because the parties seem so similar in viewpoint. There is ample room for positive programmes, but our parties are not the channels best suited to bring about their consummation. The real springs for policy occur without reference to the formal organization of parties or the legal framework of government.

Creative impulses resulting in the formulation of views or in plans for action necessarily arise in the mind of some individual. These positive elements of thought gather strength as they are accepted by other individuals and become of increasing social significance as those in agreement clarify and expand their common purpose and formalize their relations for the realization of their goal. Hence special-aim organizations inevitably appear. The community bristles with the diversities arising from this basis, but in the name of orderly government another step must be added. To identify parties with such organizations would be simply to substitute bloc rule for party government.

It is here that the American political party takes its rightful place as providing an accepted form of order through which differences of viewpoint upon public questions may in large measure be either disregarded or compromised. As Walter Lippmann has stated: "It is not a system adapted to the execution of great controversial policies. Major policies can be carried out only with bi-partisan coöperation. But it is a system under which the frictions of

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federalism are reduced to manageable proportions. And that may not be a small service to popular government."

Faced with the necessity of holding together in one organization the many varied elements that go to make it up, the party leaders find it inexpedient and unwise to commit themselves in advance to a definite programme. In the first place, they could not get general support for any programme nor could they secure agreement upon its contents. This causes much head-wagging as to the meaninglessness and futility of our parties. But the very lack of agreement results in a degree of personal freedom for the individual Congressman that would be impossible were the party to sponsor a set of specific issues. The legislator may stand forth as the spokesman of the most powerful and aggressive elements within his constituency, or under the pressure from divergent interests, he may take a conciliatory attitude. Whatever his reaction may be, he is seldom interfered with by the stand of the party. This situation has prompted some to decry the influence of special minorities which are thus left free to make their power felt. It is protested that "Congress has become the tool of selfish interests." But in what more appropriate place than in Congress, pray, could such forces come forward with their demands? The conflict and even confusion there is indicative of the vital character of this assembly. Our Congressmen may at times appear as quarrelsome politicians, but this very independence protects them from becoming automatons. They retain a greater degree of personal political responsibility than do most law-makers in other countries. It is their manifest duty as public representatives to weigh the forces of various interests according to their conception of the general welfare.

Nothing could be gained by shifting the struggle to the party conclave and compromising differences in private caucuses in order that the party might bring forward a set of definite proposals. In a parliamentary government the ministers do this bargaining and commit their followers to a particular course of policy in the light of such arrangements. To say that a party has a programme is to say that it has agreed upon a *modus operandi* with the social and economic interests that constitute the underlying power in political affairs. Party leaders in this country count themselves fortunate if they can hold the allegiance of their followers to the party as an organization and hence do not endanger this loyalty by making undue demands. Moreover, it is highly questionable if the interests concerned would have the situation other than as it is. As John Dickinson has pointed out: "The various interests may be unwilling to put themselves so completely in the hands of a supreme board of adjustment responsible only to the electorate as a whole. This is doubtless true of the United States today."

In the days of Senator Aldrich and Speaker Cannon the Senate and House were held to a stern party discipline. But the flaws of such control became manifest over twenty years ago. Parties may have "stood for something," but Congress eventually demonstrated that it would not stand for such leadership. Rule in the hands of a few men responsible to but a small fraction of the electorate was not to be tolerated. Strict control by party leaders was broken. What has been the result?

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Party leadership now stresses co-operation, and insurgent elements secure serious consideration. Responsibility is less clearly focused on Congress. The party is of less significance in an executive rôle, but it establishes a milieu in which differences can be better composed and it serves to prevent deadlock.

A CLEAR commitment of the party organization to definite policies is workable under a system that makes possible the control of the legislature by the executive and is tolerable under a system that provides for an alteration in the ministry in the event of serious disagreement between the two branches. But where fixed terms of office and staggered election times make an appeal to the country well nigh impossible, should not different criteria be used in judging the validity of party government?

The theory of parties should be discarded which charges them with the responsibility of formulating opinion. A revaluation of the major parties seems desirable. The tests utilized must have a clear relation to the peculiar conditions of our party system. An acceptable theory of party must take into full account the factual context of policies. The development of new criteria, rather than the repetition of old criticisms, would make for a better understanding of political problems. This might serve to show the voter where and how to direct his attention to politics. The apathy of the citizen is not due to a lack of interest in public affairs but rather to a feeling of helplessness at the booming, buzzing confusion. Accordingly, any standards of judgment, if they are to prove usable, must be simple and understandable.

The achievement of harmony within the party suggests itself as an appropriate criterion. Has the party demonstrated its power to compromise the differences of its members coming from the various localities? During the course of one administration the unity or disunity within the party is sure to appear. Has the party developed among its followers a consciousness of party responsibility that stimulates a willingness to coöperate in the solution of public questions?

To what extent has rule by the party in the majority resulted in efficient administration? Accomplishments certainly provide a superior basis for judgment than promises. Viewed as an organization with a continuing life and a definite leadership and membership, the political party stands forth as a responsible body that can be called to task for the standards of public conduct of the politicians enrolled; it can be demanded of the party that the candidates put forward in its name be honest and able public servants.

It can be judged according to the quality of its personnel. What kind of men are in the party? The public is quick to decide as to the personalities associated with the party. If "stuffed shirts" are placed in positions of authority and bosses left to connive in the background, the situation soon becomes common gossip. Is authority within the party exercised directly and openly or deviously and darkly? Politicians can not depend upon the force of party discipline to guarantee control of the legislature. Has the party sponsored an executive official who has succeeded in winning wide-spread support? Has the party picked a leader?

Having asked these questions of the party, the candidate can be questioned

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directly as to his stand on particular measures of concern to groups or individuals. To require the party to stand behind an issue is simply another way of demanding that a particular position be urged upon the elected representatives through the party leaders. The contact had better be direct, and the party discipline accordingly less onerous. For the proposal of policies and the responsibility of promises individual statesmen can alone be held accountable. Commitments on specific issues demand an answerability that is clear and direct.

Limitations upon the party as an expounder of principles and supporter of issues make the need of leadership in the Presidential office all the more urgent. With conditions as they are in this country, who is better able than the Chief Executive to initiate policy and gain national support for legislative measures? His is the only nation-wide constituency. Not only Chief Executive, but often national Representative-at-large, he holds the strongest mandate from the electorate. With party lines providing too little guidance as to public policy, with control in the legislative body disparate and uncertain, the Presidential will must be positive and clear if Congress is to pass constructive legislation.

For a statesman to secure a following in support of his measures it is not necessary or even desirable to identify the party itself with these policies. Under our system government must be conducted on a personal rather than a partisan plane. The problem is one of individual and not party leadership, and the American political party can not be expected to adhere to a fixed set of doctrines nor to sponsor definite policies. It can do no more than launch off responsible leaders selected for their ability and their integrity.

The need is for better rather than for fewer politicians. The full-time politician may be the salvation of politics in this country. But there must be a professionalization of such practitioners. Through responsible party organization elected officials can best be held to high standards of honesty, competency and public service. The voter can judge the political party more clearly in terms of men rather than of measures. If the validity of appraising our party system in accordance with simpler and more practicable tests were recognized, much artificial dissatisfaction with political parties would disappear. The political system could then be evaluated not by criteria removed from reality, but by standards that are human, direct and comprehensible to all.

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Martial Law for Litigants

By Andrew Sledd

The Governor of Georgia finds a new use for the national guard

On June 19, 1933, the governor of Georgia proclaimed martial law, absolute in quality but limited in scope, in the State. In his proclamation, after a lengthy statement of authority and reasons for his unusual act, he said: "There is but one course for an official, sworn to support the laws and constitution of his state and of the United States, to do"; and then he proceeded to put under martial law "the heads and employees of all state departments composing the executive department, i.e., the state treasurer, comptroller general, secretary of state, and supervisor of purchases," and also the State highway department, with all of its activities and possessions. "Any matters," the proclamation continued, "which may now be pending in any civil court in this state with regard to [the departments above indicated] will be transferred to said military court for adjudication." Thus all these departments of the State government—even cases pending in the civil courts involving them—were taken out of the hands of the civil courts and placed under military control. And that meant—since the governor is the commander-in-chief of the military forces of the State—that their control was to be transferred from the civil courts to the governor.

It will be observed:

(1) that the governor's action was taken on the ground of his oath of office —"sworn to support the laws and constitution of his state"; and yet

(2) that the entire executive department—the governor is already exempt from certain civil processes—is removed from the operation of those laws, so that none of the persons specified shall be subject to civil processes, at least to such processes originating in the highway department; and

(3) that the entire highway department is also removed from the operation of those laws, so that none of the persons of that department, if they deem themselves aggrieved by the governor's course, may seek redress of their grievances through the civil courts, at least if such redress is sought against any branch of the executive department.

The second and third of these restrictions have now been relaxed, as will presently appear; but they were an essential part of the governor's procedure, and they show—especially the third—its acknowledged motivation. For the whole procedure is the outgrowth of a deep and long-standing controversy between the governor and the State highway board, and the declaration of mar-

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tial law was the governor's method of settling that controvery. This may be condemned or approved, but the fact is not disputed.

THE present governor was elected last year over numerous competitors and by a large majority, and entered upon his office on the first of last January. There had been four chief planks in his platform as a candidate, only two of which, and those rather closely related, are directly pertinent to the present inquiry. The first of these was the promise that all automobile tags should be sold at a uniform rate of three dollars each—the proceeds of tag sales are a part of the funds administered by the highway board; and the second was to "restore the highway board to the control of the people." What follows is the record of the governor's procedure in the redemption of these two campaign pledges.

One of the new governor's first acts was to call a special ten-day session of the legislature, which was immediately followed by the regular sixty-day session provided for in the new law changing the date of the meeting of that body. This gave an actually continuous session of the legislature of seventy days—though the distinction between the called and the regular session gave the members an opportunity, of which, over a protesting minority, they cheerfully availed themselves, to vote themselves a double mileage of about $17,500 out of the depleted treasury of the State. But the chief result of this long session was the deep discrediting of the legislature itself, and the State breathed a sigh of relief when at last it adjourned.

The governor's influence was strong in the house, but broken in the senate, which he said was dominated by the highway board; and the final adjournment of the legislature, in spite of his efforts to get results in line with his platform, left the highway board and the tag charges for motor vehicles unchanged. The governor's campaign promises could not be fulfilled by the duly provided processes of legislation. Unless he were willing to surrender, or at least to defer, their fulfilment, he must find some other way for their redemption; and this he promptly proceeded to do.

The existing law concerning motor vehicle tags provided a system of charges graduated according to the weight of the vehicles, and running, roughly, from twelve to twelve hundred dollars per vehicle. But immediately after the adjournment of the legislature, the governor issued a proclamation declaring his uniform rate of three dollars in effect and authorizing all owners of motor vehicles to buy their tags at that price. "Under the code section 162," he said (March 19, 1933), "which gives the Governor of Georgia the right to suspend all or any part of any tax, I hereby suspend the motor vehicle tag tax in Georgia, except the amount of $3.00 for a license for all cars and trucks and busses."

The code section cited in support of this act was a statute of 1821, which provides that "The governor may suspend the collection of the taxes, or any part thereof, due the state until the next meeting of the General Assembly, but no longer; nor shall he otherwise interfere with the collection thereof." Legal opinion seems to be divided as to the adequacy of this ancient statute to sustain the governor's act; but there is no division of opinion that it authorizes only a suspension, and not a

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cancellation, of the taxes. The present law governing the cost of motor vehicle tags is still in force: its operation is only suspended until the next meeting of the legislature, which, unless the governor calls a special session, will take place in January 1935.

When the chief of the license tag bureau refused, on the basis of the present law and the obligations of his bond, to sell the tags at the price fixed by the governor, the governor promptly removed him from office; and, by a supplementary executive order, relieved the other officers and their bondsmen from any financial responsibility that might be involved in their obedience. "When the members of this [the revenue] commission collect $3.00 and personally account for this amount to the state, neither they personally nor their bondsmen are responsible for the remaining amount now assessed by law as the price of automobile, truck and bus, and trailer tags." And then the tags were sold at the uniform rate of three dollars; and those who had paid within the time, and at the higher and varying rates, prescribed by the law—for the governor had urged all owners to disregard the time payment set by law and wait for the three-dollar rate, assuring them that they should suffer no penalty for their delay—presently received refunds of the excess of their legal payments over the rate established by the proclamation of the governor. And now all users of motor vehicles in our State are operating them under the uniform three-dollar tags.

THE governor's act in this matter, which preceded by three months his declaration of martial law, was not challenged in the civil courts. That it involved a serious reduction of funds administered by the highway department for the maintenance of public highways, and that it gave a great advantage in savings to the operators of heavier vehicles, are patent facts; but the hard-pressed owner of the family flivver was glad enough to have the cost of his tag reduced, and the operator of a fleet of ten commercial trucks or buses would naturally prefer to pay thirty rather than twelve thousand. Neither would be disposed to look a gift horse too critically in the mouth. And when the possibility of court procedure in restraint of his action was suggested to the governor, he is reported to have said, "If I can't enforce an executive order, I might as well resign as governor of Georgia. However, I have no intention of resigning" (Atlanta Constitution, March 21, 1933).

How the governor could "enforce an executive order" appears in the further development of his controversy with the highway board—and the answer is, "By declaration of martial law."

The State highway board consists of three men, severally appointed by the governor in office when a vacancy occurs, for specified terms of office; but once they are appointed, and confirmed by the senate, they are, for the terms of their office—which overlap the terms of the governors—largely out of the governor's control. This gives the board very considerable power and independence, and it has in its hands great responsibilities, including the expenditure of large sums of public money. But the statute is quite detailed and specific in its definition of rights and duties.

The highway department, it says, "shall consist of the state highway board and such other subordinate employes, including the chief engineer and other assistants, as the highway

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board may deem necessary to carry out the provisions of this arct" (1919). . . . "Said highway board shall be the executive and administrative head of the state highway department of Georgia, with full power and authority and in full control of the highway department and all road work and highway work within the state as provided for under this act. . . . The said Board shall employ a state highway engineer, [who] shall hold office during the pleasure of the board. . . . The board shall employ such other engineers, clerks, and assistants as may be needed, and at such salaries and for such terms as may appear necessary, and prescribe and fix their duties" (1925).

These quotations from the laws of 1919 and 1925 show the legal basis on which the highway board had been conducting its operations prior to the inauguration of the present governor. These laws have not been repealed; and there is no provision for the removal of these men from office as long as they are discharging their duties within the law.

But an old statute (1836) provides that "All payments from the treasury, unless otherwise provided, shall be made upon the warrant of the governor, and he may withhold his approval on any account audited and certified by the comptroller general. The warrant shall clearly specify on what appropriation or fund it is drawn." And the law of 1931 made the governor the director of the budget for all departments and provided that "he may in his discretion revise all estimates, except those for the legislative and judicial departments." But the same law further provides that "Such requisition [i.e., the detailed requisition that each department is required to submit to the director of the budget] shall be approved by the governor as to all its requests, except such as, in the judgment of the governor, do not conform to the provisions of the act of the General Assembly making appropriations"; and, when the budget is approved, with this single limitation, by the governor as director of the budget, the funds "shall be disbursed upon receipt of an executive warrant in a lump sum to the official or officials of said departments."

The governor interpreted these statutes not only as giving him authority over the total of any departmental budget (except legislative and judicial), but as authorizing him to modify or reject any single item of the budget and to reject the whole if any single item did not meet with his approval. Whether this is a correct interpretation of the law or not would seem to be a matter for the civil courts to determine, but the governor's further dealings with the highway board are based upon its assumed correctness.

In accordance with this assumption, when the highway board submitted its budget for the first quarter of the current year, the governor made a great many changes in it that affected not only its total but its distribution. To all of these changes the highway board, after some hesitation, unanimously acceded, except in one particular. And it was on that one particular that the issue was finally joined between the board and the governor.

THE governor demanded that the board dismiss its chief engineer and four assistant engineers, whom he specified by name, and declared that the board should receive no funds until that demand also was complied with. One member of the board—whose later treatment by the governor is another

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and interesting story—was in favor of acceding to this demand; but the chairman of the board, and its third member, elected to stand upon the law above cited that gives the board, and it only, the exclusive right to hire and dismiss its own employes. And the remainder of the controversy lies between them and the governor, and is now reduced to this single point, as is recognized in the governor's own statement of the issue.

"You have had ample hearing on these alterations and amendments," he wrote them on April 28, 1933, "and have concurred in all of them with the exception of elimination from the budget of" the five engineers specified by name.

"The law confers upon me the right and authority to strike these names from the budget. . . . My action is final. No requisition from your department will be honored unless this budget is carried out to the letter."

The two members of the board above indicated denied the validity of this claim, and refused to dismiss these men upon the governor's demand. There seemed to be only two ways out of this impasse. The one was for the two members of the board to resign, and let the governor replace them by his own appointees, thus surrendering to him in fact the complete control of the highway department that he claimed. The governor demanded their resignations: they refused. That left the way of the civil courts for the decision of the issue. But the governor was not willing to take that way; and when the board members undertook to take it, he blocked their attempt by the declaration of martial law.

Prior to that declaration, the State treasurer had withdrawn highway department funds to the amount of $2,000,000 from the local banks and deposited the cash in the State treasury in the capital, where it was guarded by an armed detachment of the national guard. This removed the possibility of tying up these funds in the local banks by civil processes addressed to them, and put the governor in control of the actual cash. The governor himself is not subject to injunction or mandamus; but this exemption does not extend to the comptroller general or the State treasurer. Consequently, the highway board sought injunction against these two officers to restrain them from expending the highway funds except through the duly authorized channels of the highway department.

Thereupon the governor issued his proclamation of martial law. A detachment of the national guard was called out; and the chairman of the highway board was removed from his offices, under the orders of the governor as commander-in-chief, by the adjutant general; and the governor's member of the board, with the adjutant general, was put in charge of those offices.

Armed soldiers were stationed at the highway offices and the State capitol, and a military guard attended the person of the governor. Orders were issued to the soldiers not to receive any processes of the civil courts, nor to admit any servers of such processes. Some deputies bearing such papers were placed under military arrest; and on two or three occasions, when they managed to present their papers, the papers were torn up or thrown away either by the military or by the governor himself. The five engineers were dismissed, as the governor had demanded; part of the highway funds were disbursed in settlement of claims against the depart-

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ment; and the whole matter, as above set forth in quotation from the governor's proclamation, was transferred from the civil to the military courts, of which the governor is the head.

Thus blocked from the civil courts of their own State, the board turned to the Federal courts in search of relief. They made two such appeals, but in neither case did the court come to, or pass on, the merits of the case itself. In the first case, the attorney general, who supports the governor, and who at first appeared as the defendants' attorney, declared himself the only legally authorized attorney for the highway board itself and, in that capacity, moved the dismissal of their case. And this motion was granted, and the case dismissed. In the second case, the attorney general amended his reply to the petitioners' plea with a formal agreement to accept service from the State courts and permit any case that might be made to go to trial in them—*provided* that this agreement should not be construed as waiving any of the rights, privileges and immunities enjoyed by the governor under the State law. In the light of this amended reply, the court held that it was not apparent that the State courts were closed to the petitioners, that the case properly belonged in the State courts and should be adjudicated there. Thus the board members were left to seek such relief as they could in the State courts—having gained this, that access to the State courts would be permitted to them, subject to the proviso above cited.

The governor has now declared vacant the offices of the two members of the board who refused to discharge the five engineers at his demand, and has appointed two of his personal and political friends in their places. In the Atlanta *Constitution* for July 20, 1933, he gives this explanation of his actions: "The proclamation of martial law was declared on account of the condition of the highway department caused by the abandonment of the office of [the chairman of the board] and [the other member who refused his demand for the dismissal of the engineers], and their ceasing to perform the functions of the office and their defying of the law, and enjoining the state treasurer, the comptroller general, and seeking to enjoin the governor and defying the law in refusing to operate under an approved budget.

"This is only one of the grounds which caused the proclamation and I merely mention it as a news item to refresh everybody's memory." The new board, he says, "is a legally constituted board under the protection of martial law. This [i.e., the constitution of a new board] is the first step towards abolishing martial law in Georgia. I hope the remaining steps can be consummated in the near future."

And on July 29, 1933, the governor issued a brief proclamation declaring martial law at an end, since "the conditions which made necessary the proclamation of martial law no longer exist." And thus the governor has taken control of the highway department in fulfilment of his campaign pledge to restore it to the control of the people.

All this, of course, does not touch the fundamental question. It assumes that the governor was justified in his declaration of martial law, and his course of action thereunder. But there are only two cases in which, under our law, the governor is authorized to call out the military forces of the State; and they are worthy of citation. First,

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then: "It is the duty of the governor to see that the laws are executed. For this purpose he shall have power, as commander-in-chief, to call out the military whenever, in his discretion, the due enforcement of the process of the courts is so resisted and set at defiance as to require such interposition." And, second: "In case of invasion or insurrection the governor has power to call out all volunteer military companies, or the militia, for the defence of the state, until such time as the General Assembly meet; and when so called into action, he has power to make all necessary provision for their transportation, accommodation, equipment, and support." Both of the provisions contemplate only the maintenance of the orderly processes of civil government, and neither lends any countenance to the violent supersession of civil processes by martial law. And yet the governor's whole course has been designed not to protect, but to supersede, the civil courts; and no legal device has been left untried to prevent the issues from coming to a purely judicial decision.

Under the concession made before the Federal court, as cited above, that the case would be permitted to come to trial before the State courts, the chairman of the board whom the governor removed by military force brought *quo warranto* proceedings against his successor whom the governor appointed under martial law. Such a case does not have to be tried before a jury; but the governor's attorneys demanded a jury trial. The case was tried in a rural village, before a jury ten members of which were farmers. The governor was formerly commissioner of agriculture, and he has publicly stated that "no county in which there was a street car supported him in his race for governor." One wonders how far the demand for a jury trial was influenced by these facts. Certainly that demand reduced the probability of a searching and impartial judicial decision of the case.

The jury found for the governor's military appointee. But, through the court's certification of exceptions filed by the plaintiff's attorneys, the case now goes to the State Supreme Court. And there the matter rests at this writing.

This whole matter is of more than local interest, as another symptom of the deep disintegration of our social and political institutions. In that light it is commended to the consideration of those who are concerned for that nice balance between personal liberties and social control which is the necessary basis of an efficient and enduring democracy. Military despotism is ruin, not remedy.

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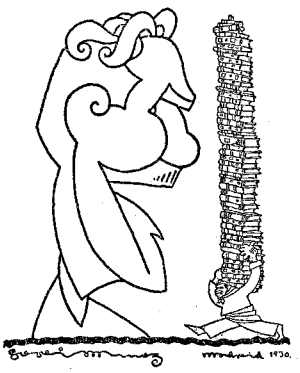
The Literary Landscape

by
HERSCHEL BRICKELL



HOME once more, and at the very opening of another literary season, the Landscaper looks again upon a world troubled and torn, with none of the larger questions that have vexed it since the close of the World War really settled, and with this country in the midst of a highly interesting, if exceedingly dangerous, economic experiment. Perhaps the final phrase of that introductory sentence needs clarifying: to this detached observer, President Roosevelt's New Deal is interesting for many reasons, most of all, for the obvious reason that it might work; it is exceedingly dangerous for the reason that it might lead us into Fascism. It might, in fact, lead us into a good many things, including communism, although it is safer to hazard a guess that Fascism of one variety or another would sit better with the American people. Optimists who gaze enraptured upon the attainments of the Blue Eagle insist that it has already brought us important modifications of our capitalist system, but this the Landscaper doubts; the firm rock of American capitalism seems just as firm as ever, and will hardly be shaken to any very great extent even if the capitalists are forced to pay their income taxes next year in order to help the Government carry out its projects.

The Shadow of Fascism

A LIBERAL who believes that Fascism may emerge from the present situation in this country is John Strachey, whose *The Menace of Fascism* (Covici, Friede, $3.25) has a great deal to say about the future of the United States, although it also treats at length of England and Germany. Mr. Strachey sees Fascism wholly as a capitalist, and therefore, anti-labor, phenomenon, and his book is a ringing appeal to all laboring men to get together against the post-War form of government that seems to be sweeping the world, as much as anything else as a protest against the inefficiency of parliamentary governments. Mr. Strachey declares that the spread of Fascism is bound to lead to another World War, and upon this point it is difficult not to agree with him, although Italian Fascism, much to the surprise of all who have observed it, has not as yet meant war at all. The simple answer to this statement may be, of course, that Il Duce has not found the time propitious. In any case, Mr. Strachey has written an intelligent and valuable book upon a question that ought to be of concern

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to every thinking person in the world. And this is as good a place as any to amplify a little further the suggestion made in an earlier paragraph that the National Recovery Act may lead to Fascism. It may for the very good reason that such sweeping economic changes as it has brought about will meet with more and more opposition as the first burst of enthusiasm dies down. There can be no turning back, so force seems the obvious answer.

The Sign of the Swastika

EVERYWHERE, at home or abroad, the existing situation in Germany is the topic of conversation. In Spain, Hitler and all his works are anathema; the walls of little towns are scrawled with curses upon Fascism and all its works, and the German embassy in Madrid has to have a special guard to protect the swastika flag that flies over its gate. In Paris the bookstalls are lined with books bearing upon different phases of the Hitler régime and, as is well known, France is willing now to discuss in the open the possibility of an attack upon Germany before the Fascists can carry through their plans for rearming. The fate of Europe hangs upon the stability of the Hitler régime, and two books lie before the Landscaper, both of which insist that no matter what happens, the Brown Shirts are in power to stay. *Germany Enters the Third Reich* by Calvin Bryce Hoover (Macmillan, $2.50), a sound and careful study of the contemporary political situation, insists that Hitler will remain in office and that he means to carry through every one of his proposals, no matter how fantastic they may seem to the rest of the world. Bearing upon the question of a future war, Mr. Hoover makes the point that Hitler came into power on a platform of revenge and the wiping out of the Treaty of Versailles. The other book already mentioned is *Hitler's Reich: The First Phase*, by Hamilton Fish Armstrong (Macmillan, $1), Mr. Armstrong being the editor of *Foreign Affairs*, and his book a fresh, first-hand summary of the situation. He believes that Hitler will stick, and that the future course of European history will depend upon the skill with which other nations handle the delicate situation that has been brought about by the rise to power of the party of the swastika. These are both short books and easy to read, both very much to the point, and both upon what is probably the most important subject in the world of politics today.

Some Books on Russia

THE centre of interest that remained so long in Russia has now very definitely shifted to Central Europe, but books are still published on the Soviets, and one of the most interesting of these of recent date is a two-volume work called *Memoirs of Lenin*, by N. K. Krupskaya (International, $1.50 the volume). Madame Krupskaya was the wife of Lenin, the woman who lived and worked at his side through the long and stormy years, and her intimate chronicle is not only highly readable, but will be an invaluable source book for future historians and biographers. Volume One takes up the life of Lenin at the time he arrived in Moscow in 1893, thoroughly grounded in Marxian principles, and Volume Two ends with Lenin's arrival in Russia in 1917 and his preliminary work for the October Revolution. Naturally all the important figures of this period appear in the crowded and exciting pages of Madame Krupskaya, and the book is one that all

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who care for the drama of history will find worth looking into, no matter where their prejudices lie. *The World Revolution and the U.S.S.R.* by Michael T. Florinsky (Macmillan, $2) deals principally with the changed attitude of the Soviets toward the matter of making the world communist. In 1917, the communization of the world was a cardinal tenet of the U.S.S.R. régime; now the capitalist nations move into steadily closer relationships with the Russians, and bankers, instead of trembling at the mention of Moscow, simply smile sweetly, and think how much money is to be made out of the great unexploited markets for our products. Mr. Florinsky explains the whys of this changed attitude, and sketches the entire political and economic background of the situation. Another book on Russia of an entirely different sort is *Kapoot: Carveth Wells in Soviet Russia,* by Carveth Wells (Macmillan, $2.50), in which Mr. Wells, a world-traveler of some reputation, pays his respects to Intourist, the Soviet Travel Bureau, and to communism in general. In fact, he writes like an American who is all put out because he can not get apple pie for breakfast in Rome, but his book can not be dismissed so lightly, for he has traveled far and wide, and is used to hardships. Also, he has a keen eye for the unusual, and there are some excellent chapters in his book about strange things and people.

Our Little Friend Cuba

Those readers who are sincerely interested in the causes of Cuba's troubles, and who are willing to accept the point of view of an outspoken liberal are fortunate in having available *The Crime of Cuba* by Carleton Beals (Lippincott, $3), a complete and documented history of the island from before the time when this country stepped into a sad situation and, under the cloak of various high-sounding slogans, assumed the rôle of master of the destinies of an alien people. A good deal of the earlier part of the book of necessity repeats Walter Millis's history of the Spanish-American War, *The Martial Spirit,* but when Mr. Beals gets into the machinations of American capitalists in the island, and more particularly into the part played by our citizens in keeping Machado in power, he breaks entirely fresh ground, and he names names without any hesitation. We may thank our stars that the Roosevelt Administration, whatever else may be wrong with it, has one of its best-trained and most upright diplomats in the island at present as ambassador, and too, that the Administration is sincerely opposed to intervention. Naturally, by the time this article appears in print the marines may have landed, but at least there has been no unseemly hurry and it has been patent enough that everything possible has been done to encourage friendly relations with Central and South America through a policy of non-intervention. The title of Mr. Beals's book is not exaggerated; our treatment of Cuba has been nothing short of a crime, and the blood of hundreds who have been slain belongs on the heads of American capitalists who went into the island to make as much money out of it as they could, without any regard whatever for the welfare of the Cuban people. Trusting Americans, who believe in the reasonable honesty and decency of their fellow-citizens, have probably wondered at the attitude of suspicion and distrust manifested toward this country by Central and South America; they have only to read Mr. Beals's book to understand

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that this attitude is all too often perfectly justified. It is the old story of Haiti and Nicaragua again—we send in the money and then send in the marines to protect the money, and the missionaries to pray over the money and the marines.

The present highly complex situation in the Irish Free State, which is probably not of such burning interest to the world at large because the Irish are fighting comfortably among themselves, is explained in full and clearly, in *Political Parties in the Irish Free State* by Warner Moss (Columbia University Press, $3).

An American Labor Party?

As for the situation in our own country, there seems to be a definite lull in the flood of books explaining what is wrong with us and what ought to be done about it, maybe because something is being done about it at last. We have with us, however, Leon Samson's *Toward a United Front* (Farrar and Rinehart, $2.50), a call to the labor elements in this country to form a political party and to prepare themselves to take over the country when Roosevelt gets through steering us in the direction of socialism. More people than Mr. Samson have been puzzled at the complete lack of any political organization on the part of American labor, but lack there is, and it will take more than one book filled with capital letters and exclamation points to change the situation, even though it is socialism we are headed for. It does not seem to this author that the reason assigned for this lack of organization is true, that is, a lack of class-consciousness in Americans, but there is this lack, and we shall have to suffer a long time before we can rid ourselves of it. Nobody has ever devised a way to tell the difference between an American capitalist and a successful labor leader; in fact, there isn't any, so until this situation is remedied, the "United Front" that seems to Mr. Samson to be so badly needed will continue to be needed. This is a rather roundabout way of saying that the Landscaper did not find Mr. Samson's book of any importance, nor did it seem to him that the author had any very deep understanding of the fundamentals of American character. The other book mentioned is H. A. Overstreet's *We Move in New Directions* (Norton, $3), an optimistic book which will prove consoling to all who believe that God's in his Heaven, etc. It does not seem to this observer that Mr. Overstreet is noticeably profound, but he writes clearly and gracefully, and he thinks we're all right.

The War in Pictures

Before we pass on to the early crop of fall fiction, there is another book in the general category that will interest any one of this generation who lived through the years of the World War, and who remembers its emotions. This is *The First World War: A Photographic History*, with an introduction and captions by Laurence Stallings (Simon and Schuster, $3.50). This is a remarkable collection of photographs, arranged chronologically and dramatically, without national prejudices, and without overplaying the horrible side of the business. It does succeed in recapturing to a remarkable degree the feelings of the times, and it is, one may say without hesitation, the best pictorial history of a great war that has ever been published. Many of the photographs are new, that is, they have never been printed before; they were taken here, there and everywhere by all sorts of

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people, and they miss none of the points of human interest. Some of them are gruesome; the Landscaper wishes he thought there might be a lesson for pacifism in these, but he doesn't. Mr. Stallings's captions have the proper journalistic snap, and the book is one that ought not to be neglected. What effect it will have upon people who were not yet alive in 1914–1918, it would be hard to say, but it proved terribly fascinating to one, at least, who remembers.

A Delightful Satire

THE most entertaining of the recent novels, it seems to the Landscaper, is Winifred Holtby's *Mandoa, Mandoa!* subtitled *A Comedy of Irrelevance* (Macmillan, $2.50), a satire on our civilization that is full of acute and highly diverting observations. Miss Holtby's Mandoa is a mythical African state, with many strange customs, which is opened to the world by Prince's Tours of London. This very simple sketch of the plot has nothing to do with the consistently delightful quality of the book, which sustains a mood of intelligent comedy such as one will seldom find in the contemporary novel. There are some very good swipes, indeed, at our movies; four films were left in Mandoa by an American movie company working on location, and one of these was *College Girls Must Love*, which was an education, indeed, to the Mandoans. Miss Holtby is doing much more than merely having a good time in this book, however; she has set down some profound truths about the gaps that lie between races and civilizations. But her profundity is worn with an air, and without using up any more of the limited space at the Landscaper's disposal, he urges that this book be read.

For writing *No Second Spring*, Janet Beith, who is a niece of Ian Hay (Beith) received $20,000 in an International Prize Novel Competition. The book is published on this side by Stokes at $2.50. It is a quiet novel about a Scotch couple, a minister and his wife, although mostly about his wife, who very nearly has a love affair with a painter who is doing her portrait, never to be finished. It is a first novel with a good deal of distinction, and the character of the wife, Allison, is portrayed with firm, sure strokes. There were six hundred novels offered in the contest. Most novels offered in such contests are unusually bad, and the winners are always picked on by the critics because they somehow resent the injustice of the award. *No Second Spring* is no exception to this rule, a good, sound novel by a highly promising and talented young woman, who had a great stroke of luck. Prize novel contests are of no use to anybody except the people who win them, and the more official and hoity-toity they are—the Pulitzer Prizes, for example—the dumber the awards.

The Last Galsworthy

THE last novel of John Galsworthy, *One More River* (Scribner, $2.50), is one of the autumn books for which a great many readers will be waiting. It was finished not long before his death, and ends Dinny Charwell's story. The Landscaper has not had time to do more than to skim the book, and so is not embarking at this point upon an essay placing it in the work of its author. If it is up to the mark of his later novels, it is worth anybody's attention, and one has no reason to suspect that it falls below his slightly second-best. Susan Ertz is another novelist of the most reliable

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sort, and she has done one of her most earnest and penetrating books in *The Proselyte* (Appleton-Century, $2.50), a novel written with her usual grace and charm, and with a real theme, treated with becoming gravity, but without dulness. It is a book about the Mormons, specifically about a young English couple who are converts, and who find their conflict in compulsory polygamy when they love each other very much. The theme is a worthy one, and the whole background of this extraordinary movement is unusually well done.

An earlier novel, which the Landscaper just missed having a chance to read before he ran off to Spain, and which is far too good to overlook, is *England, Their England* by A. G. Macdonell (Macmillan, $2), which is a Scotsman's impressions of England, and not only hilariously amusing to any one who knows the English, but also deliciously true. There is a foreword by Christopher Morley, but the book needs no such push really; it is well able to stand on its own merits. It ought also to open the eyes of some people who do not understand that the Scot is a foreigner in England.

Other Good Novels

OTHER notable novels of recent weeks include François Mauriac's *Viper's Nest* (Sheed and Ward, $2.25), the strange story of an old atheist's battle with the faith because of the worldliness of his pious family, told with power; *The Summer Flood* by Goronwy Rees (John Day, $2.50), a love-story in a Welsh setting; *Requiem* by A. E. Fisher (John Day, $2.50), one violent week in the history of an American family; and *The Kaiser Goes . . . The Generals Remain* by Theodore Pliver (Macmillan, $2), an historical novel of Germany from the outbreak of the War until the Peace, omitting none of the horrible details of the breaking of a nation's morale, and setting forth in dramatic form the reasons for the existing state of affairs in the Republic. An amusing story of sophisticated people is Hans Duffy's *Seven by Seven* (Morrow, $2), an account of the carryings-on of a decadent family of aristocrats, and from the same publishing house comes James Hilton's *Lost Horizon*, the story of three men and a woman who find themselves out of the world and do not wish to come back into it. Mr. Hilton has grown steadily in power through several novels and has done a really excellent piece of work in the present book. He is a young novelist well worth watching.

And Roark Bradford's *Kingdom Coming* (Harper, $2.50), a novel of Southern Negroes before and during the Civil War, is a good book, rich in correctly spoken dialect, in humor, in pathos, and in knowledge of another time. This is Mr. Bradford's second novel, and for the Landscaper, at least, he is much more successful with his long fiction than with the sketches such as *Ol' Man Adam and His Chillun*, which were turned into the play *Green Pastures*. The sketches appear to this observer to be exaggerated, and therefore unreal; the Landscaper has never been willing to accept Mr. Bradford's Negroes in the short pieces as authentic, any more than he is willing to accept Mr. Connelly's famous play as a great drama. But the characters of the novels have reality and genuineness, and are therefore important. *Kingdom Coming* seems to the Landscaper the best thing Mr. Bradford has written up to this time and, what is more important, per-

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haps, a promise that he will do even better, although how long the interest in Negroes and Negro dialect novels will continue is anybody's guess.

A Novel of the Boom

A NOVEL that has its faults, perhaps, as a piece of fiction, but which is a tremendously impressive social document, is George Tichenor's *Glibson* (Farrar and Rinehart, $2.50), the story of a "big shot" during the days before the crash. It is a lusty tale, would not be true to its times if it were not, and at the same time an exposure, by a man who very evidently knows what he is talking about, of the degree of charlatanry that was common in this country during the days of the great boom, and of all its accompanying evils. Glibson was a publicity man who turned banker, and who is still going strong at the end of the book under the New Deal. Mr. Tichenor's theme is, to some extent at least, the general unhappiness that prevailed in this country during the time when everybody had money. Perhaps his novel does not cut as deep as it might, and it is not great satire, but it makes most excellent reading, and furnishes plenty to think about at the same time. We have long had Glibsons in this country—they are, to our shame be it said, typically American.

Two books of short stories of recent publication will appeal only to readers of somewhat delicate taste in this field. They are Zona Gale's *Old-Fashioned Tales* (Appleton-Century, $2.50) and H. E. Bates's *The Black Boxer* (Ballou, $2). Miss Gale's work is too well known to call for detailed comment and she has done some of her finest and most subtle stories for this volume. Mr. Bates is a young Englishman who is rightfully regarded in his country as one of the best of contemporary short story writers. He is unconventional in the handling of the form, and would never sell to the *Saturday Evening Post* unless he learned a lot, but he writes with skill and taste, and there are three or four stories in this collection that are of anthology calibre.

Mr. Bradford's Journal

IT IS, perhaps, a little too early in the season to say what we shall have in the way of biography, although one may venture the generalization that this branch of literature is less in vogue at present than it has been for several years. Two of the men who made it as popular as fiction are dead, Gamaliel Bradford and Lytton Strachey. One of them left behind him a record of the development of his keen and subtle art, and *The Journal of Gamaliel Bradford*, edited by Van Wyck Brooks (Houghton Mifflin, $4.50) is to the Landscaper a most unusual and exciting volume. Mr. Brooks has done a short biographical sketch of Bradford by way of introducing his selections from the *Journal*, which was a day-to-day diary, kept from 1883 to 1932, without the omission of a day in all this long stretch. Bradford was almost an invalid his life through, and what he accomplished in spite of this handicap is at once an inspiration and a rebuke to the rest of us time-wasters. He did everything as he wrote in his diary, by rule, and his days counted for much; it was really he, as H. L. Mencken pointed out some time ago, and not the Englishman Strachey who fathered the whole school of modern biography. His *Journal* makes delightful reading, and it has been edited with skill and judgment.

A curious autobiography, which is, in effect, a history of our own times from

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the point of view of an Englishwoman, is *Testament of Youth* by Vera Brittain (Macmillan, $2.50), the full account of the author's life from 1900 to 1925, written with a proper appreciation of literary values and a sufficient amount of candor.

A Mexican Hero

SEVERAL biographies of Pancho Villa have appeared in recent years, but no full life-story of another Mexican leader even more picturesque than Villa has been available until now. *The Crimson Jester* tells the life-story of the Aztec Zapata, who often controlled Mexico City, and was for a good while a dictator; the author is H. H. Dunn, who knew Zapata intimately, and rode with him on many a wild adventure (McBride, $3). Zapata was actually a superbandit, an appellation that might fit many of Mexico's leaders—some of ours, too, for that matter, although ours don't ride horses except in Central Park—but Mr. Dunn says he is rapidly becoming one of the gods of the Indians. He killed a large number of people, many of them with his own hands, and married many women, a primitive with a sense of humor about such matters as death, whose story makes excellent reading, and also throws some light on Mexican mentality. The best picture in fiction of a man of Zapata's type is to be found in Ramon del Valle-Inclan's *Tirano Banderas*, published in English under the title of *The Tyrant;* an imperishable portrait of an Indian dictator in a Central American republic. But this Zapata was of our own times, and was more than once an important factor in international relations. His portrait by Mr. Dunn is well worth an examination.

Macmillan's continues to add to their list of small biographies published under the title of *Great Lives* at seventy-five cents. H. E. Wortham has told the story of Edward VII, W. A. Darlington of Sheridan, and Alan Clutton-Brock of Blake; there are many other titles available and more will be forthcoming. The series is of excellent quality up to the present, and very well done as an example of inexpensive bookmaking.

The Fur Trade's Story

AN ADVENTURE into the early history of this continent is *Beavers, Kings and Cabins* by Constance Lindsay Skinner (Macmillan, $2.50), the full and detailed history of the fur trade from its inception to its decline, written by an author who not only knows her material, but who is sincerely interested. This is an inexhaustible story, of course, and more than one book has already been written on the subject, but none, one may safely venture, any more thorough than this, nor more engaging to read.

Travel books are scarcer than usual at present, or perhaps it is that books in general are somewhat scarcer, and that the reduction in publishers' lists so long talked of is at last a reality. *Passports for Asia* by Beatrice Borland (Stokes, $3.50) is a spirited and interesting account of the long journey of a society girl from San Francisco to Istanbul, with many maps and illustrations; *My Farm in the Lion Country* by Joyce Boyd (Stokes) is not a travel book, really, but the account of day-to-day life on a farm in Africa which is owned and operated by a woman. Then, for another kind of travel altogether, travel through space and into realms stranger than are to be found on this earth, there is Sir William Bragg's *The Universe of*

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Light (Macmillan, $3.50), a book with many helpful diagrams that explains some of the many mysteries of light that have been solved by modern physics.

How to Drink Politely

UNDER the safely catch-all heading of "miscellaneous," there is a book that ought to be bought and put away until the Amendment has been successfully repealed. This is *Bacchus Behave: The Lost Art of Polite Drinking* by Alma Whitaker (Stokes, $1.25). Long ago the Landscaper suggested that courses be given in all our universities on what to do with liquor in all circumstances, and Miss Whitaker's book will do for a text when the courses begin. It is, in other words, a civilized book which tells the proper uses of all sorts of drinking liquor and suggests that even gin, a good drink with its reputation blasted by Prohibition, has its proper uses. There are useful suggestions about sandwiches and oddlets to serve with drinks, also recipes for mixing drinks, but it is the spirit of the volume that meets with the Landscaper's approval, the recognition that Bacchus can and should behave, and is under no obligation to be the complete roughneck he has been for the most part since the beginning of the Noble Experiment. Will polite drinking come back with legitimate liquor, or are we lost forever?

The Roman Way

HOW Rome managed a privately owned and operated Society of Nations is the theme of *The Achievement of Rome: A Chapter in Civilization* by William Chase Green (Harvard University Press, $4.50), a companion volume to Mr. Green's earlier *The Achievement of Greece*. Rome's *pax* meant that free nations dwelt together under the protection of the Empire, and were able to carry on commerce in their products without tariff barriers, and this in turn meant business for everybody. We may, therefore, deduce from Mr. Green's book that there is sometimes reason to doubt the ascending spiral theory of human society, since with the need multiplied a thousand times for a free exchange of goods, all the nations are at present doing everything in their power to cut themselves off from all the others. This is what is known as progress. Which has nothing whatever to do with the excellence of Mr. Green's scholarly and well written book.

Two books on English literature of unusual interest are the work of J. W. Cunliffe, of the faculty of Columbia University, one, *English Literature in the Twentieth Century* (Macmillan, $3), a carefully considered and complete study of the important English writers of the past decade; the other, *A Pictured Story of English Literature* (Appleton-Century, $5), a history of English literature, with many illustrations all the way from Beowulf to Shaw.

The story of the part prejudice plays in our courts is told by Arthur Garfield Hays in *Trial by Prejudice* (Covici-Friede, $2.50), the account of many celebrated cases of recent years in which emotion upset all principles of justice.

How Not to Make Peace

PERHAPS there will be a chance later to report in great detail upon one of the most significant and interesting books the Landscaper has seen for months, but which he has not had a chance to finish. This is *Peacemaking* by Harold Nicholson (Houghton Mifflin, $4.50), which tells the story of the Eu-

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rope of 1918–1919, against which, as a background, the Versailles Treaty was made. With every opportunity for a study of the situation at first hand, and admirable skill as a writer, Mr. Nicholson's book could not be otherwise than quite unusual, and this it is indeed. His violent attack on Woodrow Wilson will not please all Americans; his contention that the statesmen at the conference were better at every point than the people they were supposed to represent is a profound commentary upon the whole theory of democratic government. It was Franklin who said there never had been a good war nor a bad peace, but this was before Versailles, a place of profound tragedy for all of us who have to live in a world that will not in our lifetimes be free of its shadow.

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